The Department of Labor's 2005 Findings on the Worst Forms of Child Labor

Report Required by the Trade and Development Act of 2000

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Appendix A

Acknowledgments

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Foreword

In 2005, natural disasters in almost every corner of the globe increased the vulnerability of children to the worst forms of child labor, while also leaving thousands impoverished, homeless, and orphaned. At the same time, the year saw renewed commitment by the global community to respond to these challenges. I am proud of the leading role the U.S. government played in this respect. The U.S. Department of Labor (USDOL) responded to the Asian tsunami by providing funding to prevent at-risk children in Indonesia and Sri Lanka from engaging in the worst forms of child labor. In the coming year, USDOL will continue to support children suffering the effects of natural disasters, including funding for efforts to protect children from exploitation in the wake of the massive earthquake in Pakistan. These are just a few examples of the efforts to combat exploitative child labor supported by USDOL. In 2005, the Department awarded USD 69.7 million to combat exploitative child labor in Africa, Asia, Latin America and the Caribbean, and the Middle East. These new projects complement some 76 projects funded in previous years that were ongoing in 2005.

This year also saw the U.S. government promoting improvements in international labor standards, including the fight against child labor, through the pursuit of international trade liberalization. In 2005, the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) was approved by the U.S. Congress and signed by President George W. Bush. This agreement has entered into force for the United States, El Salvador, Guatemala, Honduras, and Nicaragua and is expected to enter into force for Costa Rica and the Dominican Republic in the near future. The United States also completed negotiations on free trade agreements with Peru and Oman. The governments involved in these agreements share a common goal of creating more opportunities for their citizens. Such progress holds the promise of helping to reduce poverty and the incidence of exploitative labor situations. The creation of good new jobs for adults can also increase the chances that children will be able to stay in school rather than engage in hazardous work to help support their families. Trade liberalization can bring about these changes over the long run; in the short run, the free trade negotiation process can also lead to commitments to support specific efforts to protect children, which many countries have made.

Even apart from the trade negotiation process and the contribution that process makes to efforts to address the problem of exploitative child labor in a number of countries, it is crucial that governments continue to take steps to fulfill their international commitments to combat the worst forms of child labor. When governments pursue the elimination of the worst forms of child labor and the promotion of basic education as national priorities, they make an important investment in their country's children and in the potential of their national economies.

In its fifth year, the U.S. Department of Labor's *Findings on the Worst Forms of Child Labor* provides new and updated information on the incidence and nature of child labor, relevant laws and enforcement, and programs and policies in place to address exploitative child labor. The report highlights progress that has been made in the past year to combat

the worst forms of child labor in 137 countries and territories receiving benefits under the Generalized System of Preferences (GSP), the Africa Growth and Opportunity Act (AGOA), the Andean Trade Preference Act (ATPA)/Andean Trade Promotion and Drug Elimination Act (ATPDE), and the Caribbean Basin Trade Partnership Act (CBTPA). By highlighting progress and areas where challenges remain, we hope that this report will encourage trading partners of the United States to increase their efforts to address exploitative child labor and promote educational opportunities for all children.

James Carter
Deputy Under Secretary
for International Affairs
U.S. Department of Labor
August 22, 2006

Preface

Congressional Mandate and Legislative Requirement

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

Generalized System of Preferences

The GSP program extends duty-free treatment on a unilateral basis to a wide range of products imported from designated developing countries and territories.[7] The GSP program was enacted by Title V of the Trade Act of 1974.[8] When the Trade and Tariff Act of 1984 reauthorized the program, new eligibility criteria included a requirement that

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[1] Government of the United States of America, *Trade Act, U.S. Code*, (1974), Title 19, Section 2464; available from http://uscode.house.gov/download/pls/19C12.txt.
[2] Ibid., Section 2464.
[3] Ibid.
[4] Ibid., Section 2461.
[5] The Andean Trade Preference Act (ATPA)/Andean Trade Promotion and Drug Eradication Act (ATPDEA) extends additional trade benefits to certain Andean countries, and includes as a criterion for receiving benefits: "whether the country has implemented its commitments to eliminate the worst forms of child labor as defined in section 507(6) of the Trade Act of 1974." 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."
[6] See *Senate Rpt.108-345 - Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2005*.
[7] *Trade Act*, Section 2461.
[8] Ibid., Section 2461-2467.

countries take steps to afford internationally recognized worker rights.[9] 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 as a beneficiary developing country if "[s]uch country has not implemented its commitments to eliminate the worst forms of child labor."[10]

The Worst Forms of Child Labor

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

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

The definition of the worst forms of child labor provided in the TDA is substantially similar to that contained in International Labor Organization (ILO) Convention 182[12] except that the Convention specifies that the work referred to above in subparagraph D "shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards…"[13] While the language of ILO Convention 182 and the TDA provide a definition of three categories of the worst forms of child labor in subparagraphs A-C (sometimes referred to as "unconditional worst

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[9] Ibid., Section 2462(b)(2)(G) and (c)(7). Internationally recognized worker rights are defined to include the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wage, hours of work and occupational safety and health. See *Trade Act*, Section 2467(4). For a complete listing of ineligibility criteria under the GSP, see *Trade Act*, Section 2462(b).
[10] *Trade Act*, Section 2462(b)(2)(H).
[11] Ibid., Section 2467(6).
[12] Article 2 of the Convention states that "the term *child* shall apply to all persons under the age of 18." See ILO, *C182 Worst Forms of Child Labour Convention, 1999,* in ILOLEX, [database online] 2002 [cited January 5, 2004]; available from http://www.ilo.org/ilolex/english/convdisp2.htm.
[13] Ibid.

forms"), they do not provide a universal definition of what constitutes a worst form of child labor, as reflected in the more general language of the Convention and the TDA with respect to the fourth category of the worst forms. Since there is no universally accepted set of activities that falls into subparagraph (D), ILO Recommendation 190 on the worst forms of child labor provides certain guidelines countries may consider in determining what constitutes a worst form of child labor under this category.[14]

Structure of the Report

The report provides individual profiles on 118 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries under the ATPA/ATPDEA, CBTPA, and AGOA. Wherever possible, these profiles focus on the worst forms of child labor, rather than on child work in general. However, data and information on the incidence of the worst forms of child labor are often unavailable, due to the hidden nature of such activities. Therefore, the report presents as complete a picture as possible of the child labor situation in a country or territory. Each of the profiles consists of a textbox and three written sections: incidence and nature of child labor; child labor laws and enforcement; and current government policies and programs to eliminate the worst forms of child labor.

Textbox

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

1) whether a country has ratified ILO Convention 138, Minimum Age for Admission to Employment;
2) whether a country has ratified ILO Convention 182, Worst Forms of Child Labor;
3) whether a country is an ILO-IPEC Member or Associated Member;[15]
4) whether a country has developed and published a National Action Plan for Children;
5) whether a country has developed and published a National Child Labor Action Plan; and

[14] These guidelines include consideration of whether the work exposes children to physical, psychological, or sexual abuse; if the work is conducted in an unhealthy environment; or if the work is under particularly difficult conditions such as work for long hours, among other considerations. See ILO, *R190, Worst Forms of Child Labour Recommendation, 1999* in ILOLEX, [database online] 2002 [cited August 17, 2006], available from http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190.

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

6) whether a country has developed and published a specific Child Labor Sector Action Plan.

Measures one through three were chosen because of the leading role of the International Labor Organization in combating child labor. Although most governments covered in this report are members of the ILO, there are exceptions. Since these nations are not members of the ILO, they are not eligible to ratify ILO Conventions. In these cases, the first three measures will be marked "N/A." The last three measures are applicable in all of the country reports. They are defined as follows: a "National Action Plan for Children" is a framework to promote the welfare of children; a "National Child Labor Action Plan" is a strategy specifically to combat child labor; and a "Child Labor Sector Action Plan" is a framework to combat child labor in a particular economic sector, such as mining, fishing, or carpet-making. Plans to combat specific worst forms of child labor, such as trafficking or commercial sexual exploitation, would also be counted as this type of measure. These action plans, rather than international agreements, are covered in measures four through six because they generally entail more specific national and local-level goals and resource commitments, while international agreements may not.[16]

Incidence and Nature of Child Labor

This section provides information on the incidence of child labor in the country and describes the activities that children perform. The quantity and quality of child labor data is continuously increasing and improving, and many countries have worked with ILO-IPEC, UNICEF, and the World Bank in recent years to collect such information. Despite these improvements, data on the incidence and nature of the worst forms of child labor continues to be scarce and is often dated. Although the preferred information for this section of the report is about children engaged in the worst forms of child labor, it is not always possible to separate the worst forms from other types of work performed by children. Therefore, as indicated above, this section provides information on all types of work performed by children, to provide a complete picture of the situation in the particular country. In addition to information on children's work, this section also includes information on the poverty rate in the country. Poverty statistics are included to provide additional information for understanding the incidence and nature of child labor in a particular country.

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.[17] Children engaging 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,

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

[17] 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.

where available.[18] Demographic information pertaining to gender, ethnicity, and rural/urban residence is provided, if particularly relevant.

Child Labor Laws and Enforcement

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

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

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

To the extent that there is a problem in a country regarding the worst forms of child labor, this section describes government initiatives aimed at combating such practices during 2005.[19] It is important to note, however, that it is often difficult to separate those policies and programs that address only the worst forms of child labor from those that focus on child labor in general. In addition, although government efforts may not be focused on the worst forms of child labor, initiatives that improve family income or increase school attendance may have an impact on the worst forms of child labor. For these reasons, this section of the report provides information on many types of child labor initiatives where appropriate. Such initiatives include national plans of action or comprehensive policies to address the worst forms of child labor, which typically consist of a combination of strategies, including raising awareness about the worst forms of child labor, enhancing local capacity to address the problem, withdrawing children from exploitive work, and offering children educational alternatives. Each country's government efforts may include those policies or programs that have received funding and technical assistance from international agencies, donor governments, and international financial institutions; and initiatives that are implemented and supported through non-governmental

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

[19] For a more historical perspective on child labor in these countries, readers should consult the 2001, 2002, 2003 and 2004 *Findings on the Worst Forms of Child Labor* reports. Copies of these reports are available on the U.S. Department of Labor Web site, at: http://www.dol.gov/ILAB/media/reports/iclp/main.htm. Copies may also be obtained by calling the International Child Labor Program office at (202) 693-4843 or via e-mail at GlobalKids@dol.gov.

organizations and in cooperation with other governments. Many countries have targeted programs to reduce child labor, often supported by the ILO's International Program on the Elimination of Child Labor (IPEC) and other multilateral and bilateral donor agencies. These efforts frequently go beyond simply withdrawing children from the worst forms of child labor to include broader social programs to prevent the engagement of children in the worst forms of child labor; to ensure that these children have access to educational alternatives; and to promote income generating opportunities for the children's families that help reduce dependence on the labor of their children.

Sources of Information

In preparing this report, the U.S. Department of Labor relied primarily on information garnered from the Department of State in Washington D.C. and U.S. consulates and embassies abroad, including the Department of State's annual *Country Reports on Human Rights Practice*s (Human Rights Report). DOL also relied upon a wide variety of reports and materials originating from foreign governments, international organizations, non-governmental organizations, and other agencies within the U.S. Government. U.S. Department of Labor officials also gathered materials during field visits to some of the countries covered in this report. Finally, several governments included in the report submitted information in response to a Department request for public input published in the *Federal Register*.[20]

[20] U.S. Department of Labor, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register* vol. 70 no. 141, 43014 (July 25, 2005); available from http://www.gpoaccess.gov/fr/index.html.

Introduction

Millions of children around the world continued to engage in exploitative child labor in 2005. Children were involved in dangerous and illegal activities ranging from hazardous agriculture, mining and fireworks production, to prostitution, deep-sea diving and drug trafficking. Working children were most commonly found in the informal sector, an area of economic activity that is largely unregulated by governments. Many child laborers were subject to physical, psychological or sexual abuses that may prevent them from developing into healthy, productive and self-sufficient adults. Some were also unable to attend school, depriving them of an opportunity to learn important new skills.

Children who worked in 2005 did so for a variety of reasons. Many labored in order to survive and earn income for themselves and their families. While some children performed light work for their parents in shops or on family farms, others worked under hazardous or abusive conditions, because they were discouraged or prohibited from attending school, could not afford to do so, or could not gain access to quality or affordable education programs. A number of children became involved in exploitative work in 2005 as a result of new economic, social, environmental and political factors, such as natural disasters, the death of a parent from HIV-AIDS, or armed conflict. These factors not only influenced whether children worked, and how often they worked, but what type of labor they performed.

Individual countries and international and non-governmental organizations continued to take new steps in 2005 to eliminate the worst forms of child labor. This section describes some of the major issues and events that influenced child labor in 2005, actions prompted by these developments, and new child labor elimination initiatives undertaken by governments and their partners during the year. The country profiles that follow provide detailed information on the child labor situation and the myriad of efforts undertaken to prevent and eliminate the worst forms of child labor in the 137 countries covered in this report.

Child Labor and Natural Disasters

Natural disasters can have a devastating effect on the lives of children. Young people who live through the chaos and destruction brought on by a major earthquake, hurricane, flood or other emergency are often forced to cope with personal injury or the injury or death of one or more family members; a lack of clothing, food and shelter; and the destruction of their homes and schools. They can also experience a debilitating loss of their sense of security, and become vulnerable to involvement in the worst forms of child labor. In some instances, children who have been separated from their parents, or orphaned as the result of a natural disaster, will find themselves with little choice but to generate income for their own survival. Other children, who were studying prior to a disaster, can fall victim to exploitation in the worst forms of child labor when they lose a teacher or their school is destroyed. In 2005, natural disasters considerably increased the risk of child labor for vulnerable children in a number of Asian, African, and Latin

American communities. In all of these instances, the natural disasters spurred new actions to prevent or withdraw children from work in the worst forms of child labor.

Tsunami and Earthquake Recovery Efforts

As a result of the December 2004 Asian earthquake and tsunami, the Government of Indonesia and UNICEF estimate that over 100,000 Indonesians died and over 400,000 were displaced. In Aceh province and Nias, the areas hardest hit by the disaster, UNICEF estimates that the disaster orphaned or separated more than 2,000 children from their parents. According to the ILO, as many as 40,000 school students and 1,870 teachers lost their lives. An estimated 28 percent of schools were destroyed and some 3,000 teachers lost their homes. In response to this tragedy, the Government of **Indonesia** is participating in a USDOL-funded Education Initiative project implemented by Save the Children. The program targets 10,530 children working or at risk of entering hazardous and exploitative labor in commercial agriculture, construction, fishing, trading/vending, and domestic work. Program activities include the rebuilding and reactivating of community learning centers damaged by the tsunami; trafficking monitoring and prevention; support and technical training for learning center staff and tutors; awareness raising about the negative effects of hazardous child labor; and strengthening of district government capacity to meet the educational needs of vulnerable children and youth.

In **Sri Lanka**, approximately 30,000 people died and more than 500,000 people were displaced according to reports by UNICEF. Nearly 1,000 children were orphaned or separated from their parents. The government is participating in a USDOL-funded ILO-IPEC project to prevent and withdraw children from domestic work, commercial sexual exploitation, and exploitative work in agriculture and other hazardous industries. Children targeted by this child labor project are being provided with education and training services, as well as psycho-social counseling, recreational activities, medical care, and other support. In addition, the Government of **Sri Lanka** is working with ILO-IPEC to increase awareness about the dangers of child labor, and striving to build its capacity to meet the needs of children and families affected by the disaster.

UNICEF also collaborated with the governments of **Sri Lanka, Indonesia**, **Thailand** and **India** on a number of tsunami child protection strategies, including health and nutrition care services; efforts to provide clean water and sanitation; family reunification and adoption services; and counseling and income generation support.

According to figures released by the Government of Pakistan's Federal Relief Commission (FRC) and Earthquake Reconstruction and Rehabilitation Authority (ERRA), the disastrous earthquake that occurred in **Pakistan** in 2005 resulted in the death of over 70,000 people. UNICEF estimates that at least 17,000 of the victims were school-aged children. According to the ILO, some 400,000 houses collapsed leaving 2.8 million people without shelter. More than 7,500 schools are estimated to have been damaged. Following the earthquake, the Government of **Pakistan** took measures to aid vulnerable children by implementing restrictions on the relocation of child survivors to

protect them from traffickers; collaborating with international NGOs to register affected children and reunite families; establishing child care and rehabilitation centers; and building makeshift schools in temporary shelters.

Trafficking in Children

In 2005, thousands of children around the world were trafficked for the purpose of labor exploitation. They are recruited, harbored, transported, and received within and across borders using force, coercion, abduction, fraud, or other abusive means. Girls are primarily trafficked for commercial sexual exploitation, domestic service, and forced marriage. Boys are trafficked mostly for the purpose of exploitative labor in agriculture, mining, manufacturing, organized begging, and for use in armed conflict. Child victims of trafficking may be exposed to rape, torture, and other forms of violence; psychological abuse; drug and alcohol addiction; as well as HIV/AIDS and other sexually transmitted diseases. According to ILO Convention No. 182, the trafficking of children is a type of slavery and is considered a worst form of child labor.

An international framework to combat trafficking is already in place; however, regional, country, and local level initiatives are key to supporting the fight to eliminate this worst form of child labor. In 2005, these initiatives fell into three general categories: a) bilateral and multilateral agreements outlining the protocol for handling international child trafficking cases; b) regional and national legislation explicitly prohibiting child trafficking and establishing harsh penalties for traffickers; and c) national or local initiatives to raise awareness, set up rehabilitation centers for victims, or train officials to recognize victims and provide them with appropriate services.

In 2005, many notable accomplishments were achieved to combat child labor in each of these three areas.

Multilateral and Bilateral Trafficking Agreements

The governments of nine West African countries (**Benin, Burkina Faso, Cote d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria,** and **Togo**) signed the Multinational Cooperation Agreement to combat Child Trafficking in West Africa. Signatory governments are to adopt measures to prevent child trafficking, mobilize resources to combat the problem, exchange detailed information on the victims and those responsible, develop specific plans of action, and establish a national monitoring and coordination committee. The Government of **Yemen** also signed trafficking agreements with neighboring countries, provided training to security and border officials on how to recognize and care for trafficked children, cracked down on official corruption facilitating trafficking, raised awareness among parents about the dangers of child trafficking, and established a reception and rehabilitation center on the border with Saudi Arabia for returned child victims. The governments of **Thailand** and **Laos** signed an MOU on Cooperation to Combat Trafficking in Persons, Especially Women and Children, which outlined action plans in the areas of prevention and suppression of trafficking, and protection, repatriation, and reintegration of victims.

Regional and National Trafficking Legislation

The Committee of Ministers of the Council of **Europe** adopted the European Convention against Trafficking in Human Beings, which focuses on a cooperative framework for the protection and assistance of trafficked persons. The Governments of **Ghana, Senegal**, **Sierra Leone,** and **Togo** each passed national legislation to prohibit slavery and/or trafficking in persons, including children. A comprehensive anti-trafficking law was adopted by the **Kyrgyz** government. The Government of **Guatemala** reformed its Penal Code to expand the definition of trafficking from solely covering international trafficking of women for prostitution to include any kind of transport or transfer of persons for economic gain, and increased penalties. The draft Constitution of **Iraq** included prohibitions on trafficking of children.

National Anti-Trafficking Policy Efforts

The Government of **Bangladesh** established an inter-ministerial committee on trafficking and an anti-trafficking unit within the police force; trained law enforcement agencies and immigration officials in several districts to address trafficking; arrested several public officials for complicity in trafficking-related crimes; and supported a major national anti-trafficking campaign to increase awareness of the problem among vulnerable groups. **Panama** also established a new anti-trafficking commission.

Child Labor in the Mining Sector

In addition to paying greater attention to the relationship between child labor and education in 2005, the international community strived to raise awareness about a particularly dangerous form of child work: child labor in mining and quarrying.

Children who work in the mining and quarrying sector are involved in a variety of dangerous activities. Children mine and cut rock in deep tunnels, haul heavy loads from mining to processing sites, and work with toxic chemicals such as mercury to extract gold from rocks. Children also pan for gold in rivers and pound rocks into gravel. Such work puts them at risk of back injury, respiratory ailments, broken bones, and death. Given the remoteness of many mining communities, children working in this sector frequently do not have access to quality education programs, which further contributes to the cycle of child labor and poverty.

In order to draw attention to this extremely dangerous form of child labor, the International Labor Organization's 2005 World Day Against Child Labor (WDACL) focused on this issue. On June 12th, many governments, communities, workers' and employers' organizations organized local events in conjunction with the WDACL. In **Niger**, interviews, performances, and a debate on child labor were broadcast nationally from two of the country's principle mining sites. In **Peru**, a mass media campaign was launched to promote the successful effort to combat child labor in the mining community of Santa Filomena. In **Nepal**, children's art and song competitions were held to draw

attention to the problem of child labor in mining and quarrying. Communities and Small-Scale Mining, a global network of mining companies, experts, international organizations, and NGOs that seeks to promote development in small-scale mining communities, pledged its support during the year for ILO-IPEC initiatives to combat child labor.

Combating Child Labor through Education

The education of children is essential to any nation's social and economic development, both at the individual and macro levels. Children who have been educated enter adulthood better able to make choices, earn income, participate in the political process, and lead healthier and more productive lives. Their communities and nations also enjoy higher standards of living as a result.

In 2005, the Global Task Force on Child Labor and Education, the product of a series of roundtables and ongoing discussions by ILO-IPEC, UNESCO, the World Bank, UNICEF, and Global March Against Child Labor, was established to promote the goal of eliminating the worst forms of child labor and promoting universal education. The Task Force has acknowledged that the internationally embraced and highly visible goal of Education for All by 2015—established by governments, international organizations, and nongovernmental organizations at the 2000 World Education Forum in Dakar, Senegal—cannot be achieved without addressing child labor. Through the collective expertise of its members, the Task Force has vowed to raise awareness about its goals among new audiences, better mobilize resources and political support, increase cooperation across Ministries of Education and Labor, and promote more research on the causes and consequences of child labor and the lack of access to quality education.

Combating Child Labor through Research

Also during 2005, the global community funded new research aimed at increasing the knowledge base on exploitative child labor. This research will enable countries to develop better interventions to combat child labor in the future.

Estimates on Working Children

During the year, certain governments carried out independent efforts to gather information on child labor. The Ministry of Education and Culture of **Paraguay** required that all schools in the country gather information regarding the working status of children. After working with ILO-IPEC on SIMPOC surveys in the past, the Ministry of Education of **El Salvador** included questions on child labor in its national 2004 Matriculation Census. The new information obtained through this survey, available for the first time in 2005, is enabling IPEC and the government to better target child labor eradication efforts.

In addition, with support from USDOL, the Understanding Children's Work (UCW) project developed more accurate statistics on working children. UCW is a joint program

founded by ILO-IPEC, UNICEF and the World Bank to address the need for more and better statistics on child labor. ILO-IPEC, UNICEF, the World Bank, and other institutions gather data on working children, but examine different age groups and use different definitions of work. During 2005, UCW analyzed data gathered by these institutions using a single definition of child work and a set age group. This newly standardized data is being used in the country profiles in this report.

Research on Additional Child Labor Topics

With funding from USDOL, ILO-IPEC carried out studies on a variety of topics, such as the impact of working time on children's health and school attendance and performance; the relationship between wages paid to children and productivity; the influence of children's non-economic activities, such as child care and cooking, on their health and education; and the characteristics of child bonded labor. In addition, IPEC developed and tested methods over the year to trace the impact of child labor projects as they are implemented. IPEC also continued to develop tracking systems to identify longer-term effects of interventions on children and their families.

Also with support from USDOL, IPEC continued its work on child labor monitoring. This type of monitoring involves observing workplaces and other locations for the incidence of child labor; removing children from work (where possible) and referring them to services; and following up to ensure the children remain out of exploitative work. As part of its projects, ILO-IPEC aims to establish systems for child labor monitoring that communities, governments, employers, and other parties can continue after a project ends. During 2005, ILO-IPEC produced guidelines on child labor monitoring systems that can be used by other child labor projects as well as concerned citizens and governments in their fight against child labor. The research that IPEC is conducting and the information IPEC has produced on successful methods for tracking working children can help the international community to develop better interventions to combat child labor in the future.

University researchers and others in the research community also examined a variety of child labor-related topics during 2005, such as hazardous child labor, the role of household poverty in decisions on children's labor and schooling, and the effects of children's movement in and out of work on the accuracy of child labor estimates. Original research also examined how government sponsored conditional transfer programs like the Bangladesh Food-for-Education program impacted school enrollment and attendance.

Many other efforts to combat the worst forms of child labor, which were implemented at the country level, are described in this report. It is the Department's hope that this information will both improve understanding and encourage further discussion regarding international child labor issues.

Data Sources and Definitions

This section presents data sources and definitions used in discussions of child labor and education that appear in the country profiles in this report. This section also discusses some of the strengths and weaknesses of these data. The majority of profiles in this report provide one or more of the following pieces of data: percentage of children counted as working; percent of the population living below USD 1 per day; gross and net primary enrollment ratios; percent of children attending school; and survival rate to grade five

Working Children

Many of the profiles in this report present data on the percentage of children counted as working in the country in question. The percent of children counted as working is the share of all children within a given age group that reported working in market activities. Data presented in the current report may differ from data that were presented in previous reports. The primary reasons for differences in work statistics between previous reports and the current report include differences in a) sources of data used, b) age range for data presented, and c) definitions of child work.

Data are from the Understanding Children's Work (UCW) project[21] analysis of primarily four survey types: 1) ILO's Statistical Information and Monitoring Program on Child Labor (SIMPOC) surveys; 2) UNICEF's Multiple Indicator Cluster Surveys (MICS); 3) World Bank (WB)-sponsored surveys, including Living Standards Measurement Surveys (LSMS), Priority Surveys, and others; and 4) other types of survey instruments including Labor Force Surveys (LFS) and Demographic and Health Surveys (DHS). The first three survey programs are commonly recognized as being the primary sources for data on children's work and child labor and therefore received priority over all other available data sources.[22]

Every effort was made to include the most recent and available data source among the four survey types. In countries where a SIMPOC, MICS, or World Bank-sponsored survey did not exist or the data were not available for analysis by the UCW project, other reliable and publicly-available sources of micro-data were analyzed and presented in the report. In the event that data did not exist from the three sources above and no other reliable and publicly available source of micro-data exists for a country, the report concludes "statistics on the number of working children under age 15 are unavailable."

In general, data are presented for children 5 to 14 with some differences in a few countries. In previous reports, statistics were often only reported for children 10 to 14,

[21] As part of broader efforts towards durable solutions to child labor, the ILO, UNICEF and World Bank initiated the inter-agency Understanding Children's Work (UCW) project in December 2000. The project is guided by the Oslo Agenda for Action, which laid out the priorities for the international community in the fight against child labor. For further information see the project Web site at: www.ucw-project.org.
[22] A.R. Ritualo, C. Castro, and S. Gormly, "Measuring Child Labor: Implications for Policy and Program Design," *Comparative Labor Law and Policy* Vol. 24, 401 (2003).

driven by the availability of the data. Since micro-analysis of raw data was undertaken for the current report, children 5 to 9 were also included in the estimates of working children as children in this age category have been found to be working. The inclusion of children 5 to 9 may result in slightly lower rates of working children than were reported in past reports based on a 10 to 14-year age range because proportionally fewer children work in the 5 to 9 age range. In other words, few children ages 5 to 9 contribute to the numerator (children performing market work) while the entire population of 5 to 9 year olds contributes to the denominator (total child population).

While previous *Findings on the Worst Forms of Child Labor* reports utilized some of the same data sources that are being used in the current report, an attempt was made in the current report to present a standardized work statistic. For example, previous reports cited work statistics from UNICEF MICS and ILO SIMPOC reports; however, each survey source used a different definition of work (MICS survey reports include household chores in their definition of work while SIMPOC does not). USDOL contracted with the UCW project to apply a standard definition of children's work, to the extent possible, to the micro-data described above. This resulted in the individual analysis of over 70 data sets.

In general, when research reports refer to children's work they define work as "economic activity." However, according to Guarcello et al., typical child labor surveys do not collect enough detailed information on children's activities to accurately measure economic activity.[23] Economic activity is defined by the ILO as "the production of economic goods and services as defined by the United Nations system of national accounts and balances during a specified time-reference period."[24] Economic activities can further be broken down into market and non-market activities. Market activities are those activities that lead to the production of goods and services that are primarily intended for sale or are sold on the market. Non-market activities are those activities that lead to the production of goods primarily for household final consumption. Non-market economic activities include, for example, bottling, dressmaking and tailoring, and the production of butter, cheese, or flour for the household's own consumption. Non-market activities are typically excluded from current child labor surveys altogether or are not measured in enough detail to enable their full inclusion in an estimate of economic activity. For these reasons, the statistic on working children presented in this report represents children involved in market activities.

While every attempt was made to present a standardized child work statistic, there are differences across surveys that have the potential to affect the comparability of statistics across countries. Some of these differences are explained in greater detail here but in general include differing age groups, questionnaire content and wording, purpose of the survey, sample design, and year of data collection.

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[23] L. Guarcello, S. Lyon, F.C. Rosati, and C. Valdivia, *Towards statistical standards for children's non economic work: A discussion based on household survey data*, Draft Paper, UCW project, Rome, 2005.
[24] ILO, *Current International Recommendations on Labour Statistics: 2000 Edition*, Geneva, 2000.

As indicated, the age group most commonly cited is 5 to 14, but some of the profiles present a work statistic only for children 6 to 14, 7 to 14, or 10 to 14. In general, the question on work refers to work in the past 7 days; however, a small number of surveys refer to work activities in the past twelve months (i.e. Argentina, Guinea, and Mauritania) and are therefore likely to capture a higher proportion of working children than surveys with 7 day time frames. The purpose of the survey—whether the survey is designed specifically to measure children's work and child labor (SIMPOC surveys) or to measure the impact of poverty reduction programs (World Bank's LSMS)—may affect estimates of children's work. In addition, the wording of work-related questions and sample design may impact survey results. For example, estimates of working children are typically lower when based on LSMS data compared to SIMPOC data.[25]

When such information is available, the report also provides the percentage of boys and girls reported as working as well as the industry in which children reportedly work. For some surveys, industry of work was not reported by the entire sample of working children. Therefore, the distribution of children working by industry, i.e., agriculture, service, and manufacturing, represents children with non-missing data for industry of work.

Percent of the Population Living Below USD 1 per Day

Many countries have their own definitions and methodologies for measuring poverty. The availability of poverty measures on a country by country basis is limited and the definitions used vary from country to country. The current report uses the percent of the population living below USD 1 per day because it is commonly used when attempting to present a standardized measure across countries. Data on the percent of the population living below USD 1 per day is taken from the World Bank's *World Development Indicators*. Recent editions of the *World Development Indicators*, including the 2005 edition used in preparation of this report, use 1993 consumption purchasing power parities (PPP) estimates developed by the World Bank, in which the original USD 1 a day in 1985 PPP terms is about USD 1.08 a day in 1993 PPP dollars.[26]

Gross Primary Enrollment Ratio

The gross primary enrollment ratio is the enrollment of primary students, regardless of age, expressed as a percentage of the total primary school-age population. The gross primary enrollment ratio describes the capacity of an education system to enroll students of primary school age. For example, a ratio of 100 percent indicates that a country is, in principle, able to accommodate all of its school-age population. It does not mean that all children of official primary school age are actually enrolled. The gross primary enrollment ratio can be over 100 percent due to the inclusion, in the numerator, of over-aged and under-aged pupils/students because of early or late entrants, and grade repetition. In many countries, the official primary school-age group is 6 to 11 years. The

[25] ILO-IPEC, *Every Child Counts: New Global Estimates on Child Labour*, Geneva, April 2002, 38.
[26] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

differences in national systems of education and duration of schooling should be considered when comparing the ratios.[27]

Net Primary Enrollment Ratio

The net primary enrollment ratio is the enrollment of primary students of the official primary school age expressed as a percentage of the primary school-age population. A high net primary enrollment ratio denotes a high degree of participation of the official school-age population. When compared with the gross primary enrollment ratio, the difference between the two ratios highlights the incidence of under-aged and over-aged enrollment. A net primary enrollment ratio below 100 percent provides a measure of the proportion of children not enrolled at the specified level of education. However, since some of these children could be enrolled at other levels of education, this difference should in no way be considered as an indication of the percentage of students not enrolled.[28]

Percent of Children Attending School

The percent of children attending school is the share of all children within a specified age group that reported attending school. The UCW project data described in the Data Sources and Definitions Section under "Working Children" are used to develop country specific school attendance statistics. In general the age group for which attendance statistics are calculated is for children ages 5 to 14. In some cases, however, different age categories are used usually ranging from 6 to 14 or 7 to 14.

Survival Rate to Grade Five

The survival rate to grade five is the percentage of a cohort of pupils (or students) enrolled in the first grade of a given level or cycle of education in a given school-year who are expected to reach grade five. The survival rates are calculated on the basis of the reconstructed cohort method, which uses data on enrollment and repeaters for 2 consecutive years. The survival rate measures the ability of an education system to retain children in school and keep them from dropping out. The survival rate to grade five of primary school is of particular interest since this is commonly considered as a prerequisite to sustainable literacy.[29]

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[27] UNESCO Institute for Statistics, *Glossary: Gross enrolment rate,* [online] [cited February 6, 2006]; available from http://www.uis.unesco.org/glossary/Term.aspx?name=Gross%20enrolment%20ratio%20(GER)&lang=en.
[28] UNESCO Institute for Statistics, *Glossary: Net enrolment rate,* [online] [cited February 6, 2006]; available from http://www.uis.unesco.org/glossary/Term.aspx?name=Net%20enrolment%20rate&lang=en.
[29] UNESCO Institute for Statistics, *Glossary: Survival rates by grade,* [online] [cited February 6, 2006]; available from http://www.uis.unesco.org/glossary/Term.aspx?name=Survival%20rates%20by%20grade&lang=en.

Acronyms

ADB	Asian Development Bank
AGOA	African Growth and Opportunity Act
ASEAN	Association of Southeast Asian Nations
ATPA	Andean Trade Preference Act
ATPDEA	Andean Trade Promotion and Drug Eradication Act
AUSAID	Australian Agency for International Development
CBTPA	Caribbean Basin Trade Partnership Act
CEACR	International Labor Organization Committee of Experts on the Application of Conventions and Recommendations
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EFA	Education for All
EU	European Union
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GNP	Gross National Product
GSP	Generalized System of Preferences
ICLP	International Child Labor Program
IDB	Inter-American Development Bank
ILO	International Labor Organization
ILO Convention 138	International Labor Organization, Convention No. 138: Minimum Age for Admission to Employment
ILO Convention 182	International Labor Organization, Convention No. 182: Worst Forms of Child Labor
ILO-IPEC	International Labor Organization, International Program on the Elimination of Child Labor
IMF	International Monetary Fund
IOM	International Organization for Migration
MERCOSUR	Common Market of the South (America); members include Argentina, Brazil, Paraguay, and Uruguay

MOU	Memorandum of Understanding
NGO	Non-governmental Organization
OAS	Organization of American States
OECS	Organization of Eastern Caribbean States
OSCE	Organization for Security and Cooperation in Europe
PRSP	Poverty Reduction Strategy Paper
SIMPOC	Statistical Information and Monitoring Program on Child Labor
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
USDOL	United States Department of Labor
WFP	World Food Program
WHO	World Health Organization

Glossary of Terms

Basic Education

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

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

Bonded Labor

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

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

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

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

Child Labor Education Initiative

From FY 2001 to FY 2005, the U.S. Congress appropriated USD 182 million to USDOL for a Child Labor Education Initiative (EI) to support international efforts to eliminate child labor through programs that will improve access to basic education in international areas with a high rate of abusive and exploitative child labor. In addition, the Education Initiative has four goals:

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

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

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

Commercial Farms

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

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

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

Commercial Sexual Exploitation of Children

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

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

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

Source: ECPAT International, *CSEC Definitions*, available from http://www.ecpat.net/eng/CSEC/definitions/csec.htm. See also *UN Convention on the Rights of the Child,* Article 34, available from http://www.unhchr.ch/html/menu3/b/k2crc.htm. See also ILO Convention No. 182, *Worst Forms of Child Labor* (June 17, 1999); available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm.

Compulsory Education

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

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

Conditional Worst Forms of Child Labor

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

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

Domestic Servants

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

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

Education for All

In 1990, delegates from more than 155 countries convened in Jomtien, Thailand, to create strategies for addressing the issues of education, literacy, and poverty reduction. Using the Universal Declaration of Human Rights as a basis for their work, participants established a set of goals to provide all children, especially girls, with the basic human right to an education and to improve adult literacy around the world. The result was "The

World Declaration on Education for All (EFA)." This declaration called for countries, by the end of the decade, to meet the basic learning needs of all children and adults; provide universal access to education for all; create equity in education for women and other underserved groups; focus on actual learning acquisition; broaden the types of educational opportunities available to people; and create better learning environments for students. To achieve these goals, participating countries were requested to create Action Plans that detail how they were going to meet the goals of the Jomtien declaration. By 2000, basic education in more than 180 countries had been evaluated as part of the EFA 2000 Assessment.

In April 2000, delegates gathered again for the World Education Forum in Dakar, Senegal, where the results of the assessment were released. After reviewing the data gathered, it was clear that much more progress would be needed to achieve EFA. These delegates, from 164 countries, adopted the Dakar Framework for Action and renewed and strengthened their commitment to the achievement of quality basic education for all by the year 2015. The World Education Forum adopted six major goals for education to be achieved within 15 years, including: the attainment of Universal Primary Education and gender equality; improving literacy and educational quality; and increasing life-skills and early childhood education programs. However, the gender goal was deemed to be particularly urgent, thus requiring the achievement of parity in enrollment for girls and boys at primary and secondary levels by 2005, and of full equality throughout education by 2015.

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

Exploitative Child Labor

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

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory 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 as defined in the relevant international treaties;
(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

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

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

Source: ILO Convention No. 182, *Worst Forms of Child Labor* (1999); available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm. See also ILO Convention No. 138, *Minimum Age for Admission to Employment*, (June 26, *1973)*; available from http://www.ilo.org/ilolex/english/convdisp2.htm.

Fast-Track Initiative

The Fast-Track Initiative (FTI) was initiated by the World Bank in 2002 to assist a limited number of countries having sound education policies, but lacking the resources needed to achieve Universal Primary Education by 2015 (the timeline established under the Education for All protocol). The goal of the FTI is to accelerate progress towards the achievement of Universal Primary Education through a combination of stronger national policies, improved capacity, and incremental financial assistance. The countries eligible for assistance were required to have in place a clear national education strategy that had been incorporated into the country's broader development strategy, and generally approved by the World Bank and other donors. After wide-ranging discussions with developing countries, donors, and civil society, it was determined that 18 countries met this criteria: Albania, Bolivia, Burkina Faso, Ethiopia, The Gambia, Ghana, Guinea, Guyana, Honduras, Mauritania, Mozambique, Nicaragua, Niger, Tanzania, Uganda, Vietnam, Yemen and Zambia. Five other countries with the largest numbers of children out of school were also identified: Bangladesh, the Democratic Republic of Congo, India, Nigeria, and Pakistan.

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

Forced Labor

Forced labor is defined in ILO Convention No. 29 as "all work or service which is exacted from any person under the menace of any penalty and for which the said person

has not offered himself voluntarily." In practice, it is the enslavement of workers through the threat or use of coercion, and it is primarily found among the most economically vulnerable members of society.

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

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

Formal Education

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

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

ILO Convention 138: Minimum Age for Admission to Employment

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

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

ILO Convention 182: Worst Forms of Child Labor

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

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory 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 as defined in the relevant international treaties;
(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

(See definitions of "Unconditional Worst Forms" and "Conditional Worst Forms" in this glossary for further information on the above categories.) Among other actions, ILO Convention 182 requires ratifying nations to: remove children from abusive child labor and provide them with rehabilitation, social reintegration, access to free basic education and vocational training; consult with employer and worker organizations to create appropriate mechanisms to monitor implementation of the Convention; take into account the special vulnerability of girls; and provide assistance and/or cooperate with efforts of other members to implement the Convention.

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

ILO-IPEC Associated Members

Associated members of ILO-IPEC (the International Labor Organization's International Program on the Elimination of Child Labor) are countries in which ILO-IPEC has initiated child labor projects with the permission of the country's government, but which have not yet signed a formal Memorandum of Understanding (see also definitions for "ILO-IPEC Program Countries" and "IPEC"). As of October 2005, there were 26 associated members of ILO-IPEC.

Source: ILO-IPEC, *IPEC Action Against Child Labour 2004-2005: Progress and future priorities*, Geneva, October 2005, 23.

ILO-IPEC Members/Program Countries

ILO-IPEC members or program countries are countries that have signed a MOU with IPEC, thereby committing to cooperate with ILO-IPEC on the implementation of child labor projects in their countries. As of October 2005, there were 60 ILO-IPEC program countries.

Source: ILO-IPEC, *IPEC Action Against Child Labour 2004-2005: Progress and future priorities*, Geneva, October 2005, 23.

Informal Sector

Definitions of the informal sector vary widely. In general, the informal sector refers to areas of economic activity that are largely unregulated and not subject to labor legislation. A more precise description of the informal sector by the ILO suggests "these units typically operate at a low level of organization, with little or no division between

labor and capital as factors of production and on a small scale." Furthermore, where labor relations exist, interactions are not based on contracts or formal arrangements; rather they are grounded on casual employment, kinship, and personal or social relations. Because employers in the informal sector are not accountable for complying with occupational safety measures, children who work in "hazardous" or "ultra-hazardous" settings likely run the risk of injury without any social protections. For this reason, households may be reluctant to indicate work by children in the informal sector, which can increase the probability of underreporting. In addition, because businesses in the informal sector are not usually included in official statistics, children working in informal sector enterprises do not show up in labor force activity rates.

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

IPEC: International Program on the Elimination of Child Labor

In 1992, the ILO created IPEC to implement technical cooperation activities in countries with significant numbers of child laborers. The objective of the IPEC program is the elimination of child labor, particularly children working under forced labor conditions and in bondage, children in hazardous working conditions and occupations, and especially vulnerable children, such as working girls and very young working children (under 12 years of age).

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

From fiscal year 1995 to fiscal year 2005, the U.S. Congress appropriated approximately USD 292 million for ILO-IPEC projects.

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

Light Work

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

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

Non-formal Education

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

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

Poverty Reduction Strategy Paper

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

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

Primary Education

Primary education, sometimes called elementary education, refers to school usually beginning at 5 or 7 years of age and covering about six years of full-time schooling. In

countries with compulsory education laws, primary education generally constitutes the first (and sometimes only) cycle of compulsory education.

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

Ratification

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

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

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

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

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

Time-Bound Program

Time-Bound Programs are particular child labor interventions implemented by ILO-IPEC in collaboration with governments that aim to prevent and eliminate all incidences of the

worst forms of child labor in a country within a defined period. The objective is to eradicate these forms of child labor within a period of 5-10 years, depending on the magnitude and complexity of child labor in each country. Since the start of this initiative in 2001, Time-Bound Programs have been initiated in 20 countries.

Source: ILO-IPEC, *Eliminating the Worst Forms of Child Labor: An Integrated and Time-Bound Approach, A Guide for Governments, Employers, Workers, Donors, and other Stakeholders*, Geneva, April 2001, 3. See also ILO-IPEC, *IPEC Action Against Child Labour 2004-2005: Progress and future priorities*, Geneva, October 2005, 29-33.

Trafficking of Children

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

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

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

Unconditional Worst Forms of Child Labor

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

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

Worst Forms of Child Labor

See “ILO Convention 182: Worst Forms of Child Labor.”

Afghanistan

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Afghanistan are unavailable.[30] Child workers are reported to be numerous in rural areas, where they engage in herding, and gathering firewood. Children also work in the urban informal sector in activities such as shining shoes, begging, repairing cars, weaving carpets, rummaging for scrap metal, or in domestic service.[31] Some reports estimate there are as many as 50,000 children working on the streets of Kabul.[32] There are reports that children continue to join or are forcibly recruited into armed groups.[33]

Afghanistan is a country of origin for children trafficked for the purposes of commercial sexual exploitation, forced marriage, forced begging, labor, domestic servitude, slavery, crime, and the harvesting of body organs. Children are reportedly trafficked to Gulf countries, particularly Saudi Arabia and Oman, for street begging and child labor, and some children have been trafficked to neighboring countries such as Pakistan, Tajikistan, and Iran to work in factories and brothels.[34] There have been increasing reports of

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[30] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[31] Some of these activities expose children to landmines. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Afghanistan*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41737.htm.

[32] Tom Coghlan, "Kabul Street Children May Lose 'Nest,'" April 13, 2005; available from http://news.bbc.co.uk/2/hi/south_asia/4441503.stm. See also International Organization for Migration-Kabul, email communication to USDOL Official, July 4, 2005. See also UN Wire, *UN Documents Child Labor Among Afghans*, October 22, 2001.

[33] Peter W. Singer, "Talk is Cheap: Getting Serious About Preventing Child Soldiers," *Cornell International Law Journal* 37 3 (Winter 2004), 561, 562, 571; available from http://www.brookings.edu/views/papers/singer/20041201.htm. See also Peter W. Singer, *Too Young to Kill,* Newhouse News Service, [online] January 9, 2005 [cited October 26, 2005]; available from http://www.brookings.edu/printme.wbs?page=/pagedefs/e3ea5f34884fff3e2e996c4e0a1415cb.xml. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Afghanistan*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=843. According to the UN, the recruitment and use of child soldiers in Afghanistan has declined significantly although reliable information remains difficult to obtain and armed groups have not pledged to end the use of child soldiers. Security Council UN General Assembly, *Children and Armed Conflict, Report of the Secretary-General*, A/59/695-S/2005/72, February 9, 2005, para. 8; available from http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement.

[34] U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from

children reported as missing or kidnapped throughout the country, which may indicate abduction by traffickers.[35] It is also reported that impoverished Afghan families have pushed their children into coercive labor arrangements that constitute or become involuntary servitude, including forced marriage and commercial sexual exploitation.[36] Years of conflict have left many families with child-headed households.[37]

The Constitution of Afghanistan provides for free and compulsory education for all citizens up to the secondary level.[38] However, continued violence and instability in the country have hampered educational reconstruction efforts.[39] Access to education for girls was limited in some areas. In some regions, as of 2003, the enrollment rate of girls was estimated at only 3 percent.[40] In 2002, the gross primary enrollment rate was 92 percent.[41] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Afghanistan.[42] Access to education problems are exacerbated by religious extremist attacks on schools,

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http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also U.S. Embassy- Kabul, *reporting,* September 14, 2005. See also IOM, *Trafficking in Persons- An Analysis of Afghanistan*, January 2004, 46, 51-61; available from http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Afghan_trafficking.pdf. See Carlotta Gall, "With Child Kidnappings on Rise, Afghans Seek Help from Public," *The New York Times* (New York), April 30, 2004, Section A-8; available from http://query.nytimes.com/gst/abstract.html?res=F30B15FF3F590C738FDDAD0894DC404482. See also Mike Collett-White, "Afghan Children Fall Prey to Killers Who Trade in Human Organs," *The Independent* (London), June 7, 2004.

[35] U.S. Department of State, *Trafficking in Persons Report*. See also Integrated Regional Information Networks, "Afghanistan: Campaign underway to raise awareness of child trafficking," IRINnews.org, [online], February 24, 2004; available from http://www.irinnews.org/print.asp?ReportID=39657. See also Gall, "Child Kidnappings."

[36] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5.

[37] A. B. Popal, *Child-Labor or Breadwinner*, UN-Habitat, October 8, 2004; available from http://www.fukuoka.unhabitat.org/project/voice.php?sn=8&cn=2&la=1.

[38] Government of Afghanistan, *Constitution of Afghanistan*, (January 4), Article 43; available from http://www.oefre.unibe.ch/law/icl/af00000_.html. See also U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5. See also Anita Anastacio and Dawn Stallard, *Report Card: Progress on Compulsory Education, Grades 1-9*, The Human Rights Research and Advocacy Consortium, March 2004, 1; available from http://www.oxfamamerica.org/pdfs/afghan_education_report.pdf. See also Cathy Young, "Freedom for Afghan, Iraq Women?" *The Boston Globe* (Boston), August 9, 2004; available from http://www.boston.com/news/globe/editorial_opinion/oped/articles/2004/08/09/freedom_for_afghan_iraq_women/.

[39] U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 5.

[40] Due to long distances, a lack of schools, and a shortage of female teachers (Islamic law discourages girls and women from interacting with adult male non-relatives), girls' access to education is particularly limited in the southern and eastern regions of Afghanistan. See Human Rights Watch, *"Killing You is a Very Easy Thing For Us": Human Rights Abuses in Southeast Afghanistan*, New York, July 2003, 77-78; available from http://www.hrw.org/reports/2003/afghanistan0703/.

[41] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005)

[42] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

teachers, and students.[43] Attacks on girls' schools continued during 2005.[44] Some refugee children who have returned from neighboring countries, particularly Iran and Pakistan, are reported to have limited opportunity for education, often because their labor is needed to supplement the meager incomes of their families.[45]

Child Labor Laws and Enforcement

The 1987 Labor Code prohibits employment of children under 15, although children 14 years old may be employed as workers and children 13 years old may be hired as trainees with parental approval. Children 16 to 18 years old may only work 35 hours per week and children under 16 are only permitted to work for 30 hours per week. The Labor Code does not permit children to be engaged in underground work or in conditions that are physically arduous or harmful to the child's health.[46] The minimum age for military service in the Afghan National Army is 18 years.[47] The Constitution prohibits forced labor, including that of children.[48]

There is no evidence of effective enforcement of child labor laws in Afghanistan.[49] According to the U.S. Department of State, the government lacks the capacity to enforce child labor laws.[50] The Afghan Judicial Reform Commission within the Ministry of Justice has been charged with drafting and revising laws to prevent and prosecute trafficking crimes.[51] Until new laws are enacted, trafficking crimes may be prosecuted under laws dealing with kidnapping, rape, forced labor, transportation of minors, child endangerment, and hostage-taking. Prison sentences for such offenses are longer for cases involving minors and girls.[52]

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[43] Radio Free Europe / Radio Liberty, *Attackers Torch Afghan Girls School*, June 24, 2005; available from http://www.rferl.org/featuresarticle/2005/6/25719D1F-56CF-4D91-9D4D-FE0AD6200CCF.html.
[44] BBC News, *Afghan Girls' School Attacked*, June 23, 2005; available from http://news.bbc.co.uk/go/pr/fr/-/1/hi/education/4124482.stm, Swedish Committee for Afghanistan, *SCA Condemns Recent Attacks on Girls' Schools*, press release, Kabul, April 1, 2004; available from http://www.swedishcommittee.org/archive/articles/press/2004/girl_school_attacks/. See also Greg Bearup, "Girls 'Poisoned by Militants for Going to School'," *The Guardian* (May 3, 2004); available from http://www.guardian.co.uk/print/0,3858,4915217-108920,00.html.
[45] Despite limited opportunities, refugee families returning to Afghanistan often cite a desire to ensure education of their children as a primary reason for their return. See Amnesty International, *Afghanistan- Out of Sight, Out of Mind: The Fate of the Afghan Returnees*, ASA 11/014/2003, London, June 23, 2003, Section 7.6; available from http://www.web.amnesty.org/library/index/engasa110142003.
[46] U.S. Embassy- Kabul, *reporting,* September 14, 2005.
[47] *Presidential Decree No. 20*, (May 25, 2003). See also USDOL consultant, email communication to USDOL official, December 17, 2005. See also U.S. Department of State official, email communication to USDOL official, December 21, 2005.
[48] *Constitution of Afghanistan*, Article 49.
[49] U.S. Department of State, *Country Reports- 2004: Afghanistan*, Section 6d.
[50] U.S. Embassy- Kabul, *reporting,* September 14, 2005.
[51] U.S. Embassy- Kabul, *reporting,* March 12, 2004.
[52] Ibid.

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

The Government of Afghanistan is working to address child soldiering and child trafficking, including the commercial sexual exploitation of children. The Ministry of Labor and Social Affairs, together with UNICEF, participates in a Working Group on Commercial Sexual Exploitation of Children.[53] In collaboration with UNICEF, the government developed a National Action Plan to Combat Child Trafficking that sets goals and timelines for reducing the number of children vulnerable to trafficking. In addition, the government established a National Counter Trafficking Commission comprised of representatives of the Ministries of Labor and Social Affairs, Foreign Affairs, Justice, Interior, and Women's Affairs as well as representatives of UNICEF and other international and national NGOs.[54]

USDOL largest donor to a USD 5.27 million, 4-year project in which UNICEF works with the government to demobilize and reintegrate former child soldiers. The project provides community-based rehabilitative, psychosocial, and non-formal education services to 8,000 child soldiers. As of September 15, 2005, 5,345 former child soldiers have been demobilized.[55]

The Government of Afghanistan and the international community have undertaken significant steps to rebuild the country's education system, particularly within the context of post-conflict reconstruction.[56] The World Bank is funding a USD 35 million Education Quality Improvement Program in Afghanistan, which aims to improve education through investment in personnel, physical facilities, capacity building, and the

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[53] U.S. Embassy- Kabul, *reporting,* March 12, 2004.

[54] U.S. Embassy- Kabul, *reporting,* September 14, 2005.

[55] Other donors include the Swedish International Development Agency, Government of Germany, Government of the Netherlands, Government of Japan and the UNICEF National Committees of Germany, Japan, UK, and France. Vera Chrobok, *Demobilizing and Reintegrating Afghanistan's Young Soldiers: A Review and Assessment of Program Planning and Implementation*, Bonn International Center for Conversion, Bonn, 2005, 39; available from http://www.bicc.de/publications/papers/paper42/paper42.pdf. See also UNICEF, *Demobilization, Social and Economic Reintegration of Child Soldiers/Minors Associated with the Fighting Forces in Afghanistan*, project document, Geneva, March 2, 2004, 5. See also UNICEF, *Demobilization of Child Soldiers and Socio-Economic Reintegration of War-affected Young People in Afghanistan*, technical progress report, September 2005, 5. The project is being implemented in collaboration with the Afghanistan New Beginnings Program. See Integrated Regional Information Service, *Afghanistan: UNICEF Helps Demobilize 4,000 Child Soldiers*, December 16, 2004; available from http://www.irinnews.org/print.asp?ReportID=44706.

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

promotion of girls' education.[57] The government is also implementing a USD 15 million World Bank project that, among other activities, aims to promote learning and skills development among disadvantaged girls and former combatants.[58]

UNICEF is working to increase access to education for 1 million Afghan children and to increase girls' enrollment by 1 million by 2006[59] through community-based schools, improved teacher training, and accelerated learning programs.[60] The ASB, Islamic Development Bank, and other donors are funding the construction of new schools as well as the repair of existing schools.[61] USAID is working with the Ministry of Education on a comprehensive program to enrich the quality of and access to basic education that includes an accelerated learning program for over-aged students, the provision of textbooks, and innovative teacher training programs. To date, 48.5 million books have been printed, 6,800 teachers have been trained, 170,000 new students have been enrolled, and 376 schools have been built or refurbished.[62] As part of the UN World Food Program's initiative to spur school enrollment, over 1 million school children will receive food at school and to take home.[63]

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[57] World Bank, *Education Quality Improvement Program,* in World Bank Project Database, [database online] 2004 [cited December 7, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P083964. See also World Bank, *Education Quality Improvement Program*, project information document, AB545, World Bank, February 17, 2004; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000104615_20040311164542.

[58] World Bank, *Emergency Education Rehabilitation & Development Project*, project information document, PID11129, World Bank, May 21, 2002, 2-3; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19/000094946_02041804135557/Rendered/PDF/multi0page.pdf. See also World Bank, *Emergency Education, Rehabilitation and Development Project,* [online] 2005 [cited December 7, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P077896.

[59] World Bank, *Emergency Education Rehabilitation & Development, project information document*. See also Integrated Regional Information Networks, "Afghanistan: New School Year Opens on Optimistic Note", IRINnews.org, March 22, 2004; available from http://www.irinnews.org/print.asp?ReportID=40170. See also Integrated Regional Information Networks, "Afghanistan: Interview with UNICEF Deputy Executive Director," IRINnews.org, [online], April 5, 2004; available from http://www.irinnews.org/print.asp?ReportID=40418.

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

[61] World Bank, *Emergency Education Rehabilitation & Development, project information document*, 2.

[62] USAID Afghanistan, *Enhancing Education,* [cited December 7, 2005]; available from http://www.usaid.gov/locations/asia_near_east/afghanistan/education.html.

[63] UN News Service, *UN Agency Welcomes Latest Delivery of Indian Wheat to Feed Afghan Schoolchildren*, May 17, 2005; available from http://www.un.org/apps/news/storyAr.asp?NewsID=14306&Cr=afghan&Cr1=&Kw1=wheat&Kw2=&Kw3=.

Albania

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

Incidence and Nature of Child Labor

An estimated 36.6 percent of children ages 7 to 14 years were counted as working in Albania in 2000. Approximately 41.1 percent of all boys 7 to 14 were working compared to 31.8 percent of girls in the same age group.[64] Children, especially from the Roma community, work on the streets as beggars and vendors. Children can also be found laboring as farmers, shoe cleaners, drug runners, and textile, factory, and construction workers.[65] Local NGOs estimate that there are approximately 1,000 street children in Tirana.[66] Child labor is one of many problems associated with poverty. In 2002, less than 2 percent of the population of Albania were living on less than USD 1 a day.[67]

The trafficking of Albanian children as young as 6 years old to Western Europe and within Albania for prostitution and other forms of exploitative labor remains a problem.[68] The Ministry of the Interior estimated that between 1992 and 2000, some 4,000 children

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[64] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity and School Attendance Rates, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the "Data Sources and Definitions" section of this report..

[65] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Albania,* Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41666.htm. See also U.S. Embassy- Tirana, *reporting, August 26, 2005*.

[66] U.S Embassy- Tirana, *email communication to USDOL official,* August 14, 2006. See also U.S. Embassy- Tirana, *reporting*, *August 26, 2005.*

[67] *Living Standards Measurement Survey, 2002* carried out by INSTAT, as reported in UNICEF's *The State of Albania's Children, 2006.*

[68] ILO-IPEC, *Combating Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, project document, Geneva, September 2003, 7. See also ILO-IPEC, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Albania, 2003*, Tirana, 2004, 26; available from http://www.ilo.org/public/english/standards/ipec/publ/download/cee_albania_ra_2003.pdf. See also U.S. Department of State, *Country Reports- 2004: Albania*, Section 5. The Children's Human Rights Center reported that as a result of increased efforts by the government, trafficking of children is shifting from illegal methods of transportation, such as via speedboats, to "legal" methods where children cross borders with passports and visas. See also Children's Human Rights Center (CRCA), *Child Trafficking in Albania: A Comprehensive Report on Child Trafficking in Albania*, Tirana, July 2003, 6. A 2003 survey of 66 children found the majority of trafficked boys engaged in begging and selling various items on the street. More girls than boys were exploited in prostitution. See also ILO-IPEC, *Rapid Assessment of Trafficking in Children*, 26-27.

were trafficked from Albania abroad.[69] Children are trafficked to Italy and Greece to participate in organized begging rings and forced labor, including work in agriculture and construction.[70] Some children are kidnapped or sold by family members to traffickers.[71] Children who are returned to the Albanian border from Greece are often at high risk of being re-trafficked.[72] According to a 2003 report, trafficking of Albanian children specifically to Greece appears to be on a decline.[73] However, there is evidence of new trafficking routes to Kosovo and Slovenia to further points in Europe.[74] Internal trafficking is reported to be rising, with increasing numbers of children in the capital of Tirana falling victim to prostitution and other forms of exploitation.[75]

Education is free and compulsory for children ages 6 or 7 to 15 years.[76] Beginning in the 2004-2005 school year, the period of compulsory education was raised from 8 to 9 years.[77] In 2002, the gross primary enrollment rate was 104 percent and the net primary enrollment rate was 95 percent.[78] Gross and net enrollment ratios are based on the

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[69] U.S. Department of State, *Country Reports- 2004: Albania*, Section 5,. The Children's Human Rights Center cites these same figure as provided by the Ministry of Interior. See also Children's Human Rights Center (CRCA), *Child Trafficking in Albania: A Comprehensive Report*, 9. See also ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document, 2003*, 6. Additionally, a report published in 2001 estimated that 75 percent of trafficking victims from certain rural regions of Albania were children. See also Daniel Renton, *Child Trafficking in Albania*, Save the Children Norway, March 2001, 16-19.

[70] ILO-IPEC, *Rapid Assessment of Trafficking in Children*, 25. Children, particularly Roma boys, are trafficked to Greece and Italy for begging and forced labor. Italy is the destination point for the majority of trafficked Albanian children/women; however, large numbers of Albanian children may work as child prostitutes in Greece. See also Renton, *Child Trafficking in Albania*, 44-45. See also UNICEF, *Profiting From Abuse: An Investigation into the Sexual Exploitation of our Children*, New York, 2001, 18; available from http://www.unicef.org/publications/pub_profiting_en.pdf.

[71] U.S. Department of State, *Country Reports- 2004: Albania*, Section 5.

[72] ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document, 2003*, 8. See also Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe: Update on Situation and Response to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The Former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, including the UN Administered Province of Kosovo, Romania.*, UNICEF, UNOHCHR and OSCE-ODIHR, November 2003, 39; available from http://www.osce.org/documents/odihr/2003/12/1645_en.pdf.

[73] Terre des hommes, *The Trafficking of Albanian Children in Greece*, Le Mont sur Lausanne, January 2003, 9-11. See also U.S. Embassy- Tirana, *reporting, August 26, 2005*. See also Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo*, UNICEF, UNOHCR, OSCE-ODIHR, March 2005, 101; available from http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf.

[74] U.S. Embassy- Tirana, *reporting, August 26, 2005*.

[75] Ibid. See also Limanowska, *Trafficking in Human Beings in South Eastern Europe: 2004 - Focus on Prevention, 2005*, 101.

[76] Committee on the Rights of the Child, *Summary Record of the 1004th Meeting: Albania*, March 31, 2005, para 57 and 59; available from http://www.unhchr.ch/tbs/doc.nsf/0/ecf0eee2031659f0c1256f8f003e8e28?Opendocument. Even though education is free, parents must bear the burden of paying costs for supplies, books and school materials. See also U.S. Embassy- Tirana, *reporting, August 26, 2005*.

[77] Ardi Pulaj, *Albania Reforms Its Education System,* Southeast European Times Online, [online] September 7, 2004 [cited July 6, 2005]; available from http://www.southeasteurope.org/subpage.php?sub_site=2&id=12626&head=if&site=1.

[78] UNESCO Institute for Statistics, *Gross and Net Enrollment Ratios, Primary; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51.. For an explanation

number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 50.9 percent of children ages 7 to 14 years were attending school.[79] The government reported that the dropout rate from 2003 to 2004 was 1.2 percent and the repetition rate was 2.8 percent.[80] The Children's Human Rights Center of Albania reported in 2004 that 25 percent of children in urban areas and 35 percent of children in rural areas are not registered in school.[81] The increase in population of the capital city Tirana over the last decade has not been accompanied by the building of new school facilities, resulting in overcrowding of classrooms. In 2002, 60 percent of schools were operating under two shifts, with 20 percent of these schools reducing teaching periods. According to UNICEF, the educational needs of children living in these areas are not being met.[82]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years. Article 99 of the Labor Code allows children ages 14 to 18 years to be employed to do light work and seek employment during school holidays.[83] Article 101 prohibits night work by children younger than 18 years of age and Article 78 limits their work to 6 hours per day.[84] The employment of children is punishable by a fine under Article 60 of the Law for Pre-University Education.[85] 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.[86] The Labor Code also prohibits forced or compulsory labor.[87]

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of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[79] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[80] Committee on the Rights of the Child, *Written Replies by the Government of Albania Concerning the List of Issues (CRC/C/Q/ALB/1) Received by the Committee on the Rights of the Child Relating to the Consideration of the Initial Periodic Report of Albania (CRC/C/11/Add.27)*, December 16, 2004, 23-24; available from http://www.unhchr.ch/tbs/doc.nsf/0/a5214c26964bbfa4c1256f770052ed3b?Opendocument.

[81] Reference to the Children's Human Rights Center of Albania 2004 report as cited in U.S. Embassy-Tirana, *reporting, August 26, 2005*.

[82] These are findings of the Education Directorate for the Tirana district as cited in UNICEF, *Needs for Information and Social Services in the City of Tirana*, Tirana, November 1, 2002, 14-15; available from http://www.unicef.org/albania/Needsinformation.pdf.

[83] Many articles in the Labor Code No. 7961 regulate child work. The Labor Code has also been updated a number of times, most recently by Law No. 9125, dated July 29, 2003, "For Several Additions and Amendments to Law No. 7961, dated July 12, 1995, 'The Labor Code of the Republic of Albania'," amended by Law no. 8085, dated March 12, 1996 as cited by Government of Albania, *United Nations Study on Violence Against Children*, 2004, 4, 6; available from http://www.ohchr.org/english/bodies/CRC/docs/study/responses/Albania.pdf.

[84] Ibid., 6.

[85] Reference to the Law for Pre-University Education as cited in Altin Hazizaj and S. Thornton Barkley, *The Vicious Circle: A Report on Child Labour-Albania*, Children's Human Rights Centre of Albania, Tirana, March 2000, Section 6.2.

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

[87] U.S. Department of State, *Country Reports- 2004: Albania*, Section 6c.

The Labor Inspectorate within the Ministry of Labor is responsible for enforcing child labor laws as they pertain to registered businesses.[88] In the first 10 months of 2004, there were 169 cases of children working of which 138 did not have appropriate administrative permissions.[89] Since 1999, the Government of Albania has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[90]

Although there is no law specifically prohibiting the worst forms of child labor in Albania, there are statutes under which the worst forms can be prosecuted. The Criminal Code prohibits prostitution, and the penalty is more severe when a child is solicited for prostitution.[91] The Criminal Code sets penalties for trafficking, including 15 to 20 years imprisonment for trafficking of minors.[92] Eight convictions for the trafficking of children were made under Article 128 of the Criminal Code in 2003.[93] A witness protection law was adopted in 2004 and, though funding remains weak, implementation has begun.[94] The government has remained committed to its enforcement and interdiction capabilities at border crossings and at ports resulting in several arrests of traffickers.[95] In 2005, the Government of Albania appointed a new, full-time national coordinator for anti-trafficking with a dedicated staff of five.[96]

The minimum age for voluntary military service is 18 years and for compulsory military service is 19 years. In 2004, there were no reports of children under 18 years of age serving in the Albanian armed forces.[97]

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[88] According to the Ministry of Labor's Child Labor Unit, most violations concerning children were in the shoe and textile companies, but violations are on the decline. There has also been a decline in illegal child labor in construction, as building methods are progressively in need of better skilled labor. The fine for employing an underage worker is 20 to 30 times the monthly minimum wage of the employee in violation of the code. See U.S. Embassy- Tirana, *reporting, August 26, 2005*.

[89] Committee on the Rights of the Child, Written Replies by the Government of Albania, 34-35.

[90] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.

[91] The Criminal Code as cited by Interpol. See Government of Albania, *Criminal Code*, Article 114; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaAlbania.asp.

[92] U.S. Department of State, *Country Reports- 2004: Albania*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005.

[93] Government of Albania, *United Nations Study on Violence Against Children*, 42.

[94] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Embassy- Tirana, *email communication to USDOL official*, August 14, 2006. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2005: Albania*, Washington, DC, March 8, 2006, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2005/61633.htm.

[95] Ibid.

[96] U.S. Department of State, *Trafficking in Persons Report- 2006,* June 5, 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm. See also U.S. Embassy- Tirana, *email communication to USDOL official,* August 14, 2006.

[97] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004,* [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document_get.php?id=885.

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

A number of national strategies, including the Government of Albania's 2001-2005 National Strategy for Children, the Poverty Reduction Strategy Paper, and Strategies on Education and Social Services, have integrated child labor concerns.[98] The Ministry of Labor's Child Labor Unit provides training to labor inspectors on identification and monitoring of child labor.[99] There is a National Steering Committee on Child Labor and a Child Labor Unit within the Ministry of Labor and Social Affairs that coordinates efforts.[100] In February 2005, the government approved the National Strategy Against Child Trafficking and the Protection of Child Victims of Trafficking.[101] The Child Trafficking Strategy was subsumed in the Action Plan of the National Strategy to Combat Trafficking in Human Beings 2005-2007, which also was approved in 2005.[102] The Government of Albania reported that it would complete a National Child Labor Action Plan by January 2007.[103] Issues concerning the trafficking of children have also been mainstreamed into the National Strategy for Social Services (2005-2010) as well as the UN Common Country Assessment and the Albania National Report towards achieving the Millennium Development Goals.[104] The signing of a memorandum of understanding regarding the repatriation of child victims of trafficking is under consideration by the Governments of Albania and Greece.[105]

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[98] ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, technical progress report, Geneva, March 2004, 2. See also Republic of Albania and National Committee on Women and Family, *National Strategy for Children, 5-year Plan*, UNICEF, Tirana, 2001, 15-16 [hard copy on file]; available from http://www.unicef.org/albania/publications/nationalstrategy.pdf. The Committee on the Rights of the Child found that the necessary structures and the financial and human resources required to fully implement the National Strategy on Children are not in place. A revision of the National Strategy on Children 2006-2010 is planned, and the Committee recommends other targeted plans for trafficking in children and child labor be integrated within the updated National Strategy. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Albania*, March 31, 2005, Para. 11 and 12; available from http://www.unhchr.ch/tbs/doc.nsf/0/7d5e3444b12ac33dc1257018004dd14c?OpenDocument.

[99] U.S. Embassy- Tirana, *reporting, August 23, 2004*.

[100] ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document, 2003*, 35. See also ILO-IPEC, *ILO-IPEC Child Trafficking Project, technical progress report, March 2004*, 2.

[101] ILO-IPEC, *Child Trafficking Project, technical progress report, March 2005*, 2. See also U.S. Embassy- Tirana, *reporting, August 26, 2005*.

[102] ILO-IPEC, *Child Trafficking Project, technical progress report, March 2005*, 2. The Anti-Trafficking Unit of the OSCE Presence in Albania has advised the government in drafting the national strategy and action plan to combat child trafficking. The OSCE coordinates closely with national agencies involved in anti-trafficking efforts such as the National Coordinator for Anti-Trafficking, the Ministry of Labor, Social Affairs and Equal Opportunity the Ministry of the Interior and relevant police units. See also OSCE, *OCSE Presence in Albania,* [online] 2005 [cited September 28, 2005]; available from http://www.osce.org/albania/13138.html. See also U.S. Embassy- Tirana, *email communication to USDOL official,* August 14, 2006.

[103] U.S. Embassy- Tirana, *email communication to USDOL official*, August 14, 2006.

[104] ILO-IPEC, *Child Trafficking Project, technical progress report, March 2005*, 2. See also U.S. Embassy- Tirana, *reporting, August 26, 2005*.

[105] ILO-IPEC, *Child Trafficking Project, technical progress report, March 2005,* 11. See also U.S. Embassy- Tirana, *reporting, August 26, 2005.*

The government, through the Ministry of Labor and Social Affairs manages the Linza Center, which offers reintegration services to trafficking victims, including children.[106] Albania has also signed a joint declaration with other Southeastern European countries pledging to better assist victims of trafficking. The commitment ensures that countries stop the immediate deportation of trafficked persons and offer them shelter, as well as social, health and legal assistance.[107] Despite these efforts, most of the direct services for child victims of trafficking continue to be provided by the NGO community.[108]

The government is also participating in a 3-year, USD 1.5 million USDOL-funded ILO-IPEC regional project to combat the trafficking of children for labor and sexual exploitation. The project is working in partnership with the Government of Albania and local organizations.[109] Project activities include distributing educational materials and training teachers in 12 regions and youth representatives to use the materials in local communities to raise awareness on combating child labor. Youth clubs have been established to assist children removed from exploitative situations to attend educational programs and vocational training.[110] Under the guidance of the Ministry of Labor and Social Affairs, a program on prevention and monitoring of child labor in three cities has involved partnerships between teachers, social workers, police, and labor inspectors to identify working children and remove them from work, effectively shifting such responsibilities to local entities.[111]

The Government of Albania is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime.[112] USAID is providing support to two projects titled "Transnational Action Against Child Trafficking" and "The Coordinated Action Against Human Trafficking," in which Albanian government officials and NGO representatives work with their counterparts in other countries to identify trafficking routes, cooperate on repatriation of trafficked children, and improve care for trafficked children and their families before and after repatriation.[113] In an effort to implement the national plan of action against human trafficking, UNICEF reported that

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[106] U.S. Embassy- Tirana, electronic communication to USDOL official, February 19, 2004.
[107] Alban Bala, "Southeastern Europe: Governments Shift Their Focus in Fighting Human Trafficking," *Radio Free Europe Weekday Magazine*, December 13, 2002; available from http://www.rferl.org/nca/features/2002/12/13122002200939.asp.
[108] Children's Human Rights Centre (CRCA), *Joint East West Research Project on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries*, January 2004, 23. See also U.S. Embassy- Tirana, *reporting, August 23, 2004*.
[109] ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document, 2003*.
[110] The education module is called SCREAM – Supporting Children's Rights through Education, Arts, and the Media. See U.S. Embassy- Tirana, *reporting, August 26, 2005*.
[111] Ibid.
[112] SECI Regional Center for Combating Transborder Crime, *Mission of the SECI Center,* [online] 2005 [cited September 30, 2005]; available from http://www.secicenter.org/html/press%20releases/press%20release%2035.htm. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage 2004: Press Release,* September 27, 2004 [cited September 30, 2005]; available from http://www.secicenter.org/html/press%20releases/press%20release%2035.htm.
[113] USAID, *Albania Anti-Trafficking,* [online] February 10, 2005 [cited June 30, 2005]; available from http://www.usaidalbania.org/en/so.aspx?Id=5. See also U.S. Embassy- Tirana, *reporting, August 26, 2005*.

in cooperation with the government, children, family members, and teachers have been reached with anti-trafficking educational materials, and at-risk, abused or exploited children have been reintegrated into the formal education system.[114]

Albania has been invited by the World Bank to participate in the Education for All Fast Track Initiative, which aims to provide all children with primary school education by the year 2015.[115]

[114] UNICEF, *UNICEF Albania Child Trafficking*.
[115] World Bank, *Education for All,* [online] 2005 [cited September 30, 2005]; available from http://www.worldbank.org.al/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/ALBANIAEXTN/0,contentMDK:20196239~pagePK:1497618~piPK:217854~theSitePK:301412,00.html.

Algeria

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Algeria are unavailable.[116] In 2004, the Ministry of Labor's National Labor Institute conducted a survey on child labor with technical assistance from the ILO. Preliminary survey results indicated that low family income and unemployed parents are two primary factors contributing to child employment in Algeria.[117] Children are found working a variety of hours in small workshops, on family farms, and in informal trade.[118] Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, less than 2 percent of the population in Algeria were living on less than USD 1 a day.[119]

Commercial sexual exploitation of children occurs in Algeria, but the extent of the problem in not clear. Algeria is a transit country for trafficking of children from Central and Western Africa to Europe for the purposes of labor and sexual exploitation.[120]

Under the Ordinance of April 16, 1976, education is compulsory in Algeria between the ages of 6 and 16 and free at all levels.[121] In 2002, the gross primary enrollment rate was 109 percent and the net primary school enrollment rate was 95 percent.[122] Gross and net

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[116] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[117] U.S. Embassy- Algiers official, email communication to USDOL official, June 1, 2005.

[118] U.S. Department of State, *Country Report on Human Rights Practices- 2004: Algeria*, Washington, D.C., February 28, 2005 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41718.htm.

[119] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[120] U.S. Department of State, *Trafficking in Persons: Algeria*, Washington, D.C., June, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[121] UN Committee on the Rights of the Child, *Rapports initiaux attendus des Etats parties pour 1995: Algeria*, CRC/C/28/Add.4, prepared by Government of Algeria, pursuant to Article 44 of the Convention on the Rights of the Child, February 23, 1996, Section 104; available from http://unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.4.FR?opendocument. See also U.S. Department of State, *Country Reports- 2004: Algeria*, Section 5.

[122] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross

enrollments ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Algeria.[123] As of 2001, 97 percent of children who started primary school were likely to reach grade 5.[124] In rural areas, girls are slightly more likely to drop out than boys due to financial reasons.[125]

Child Labor Laws and Enforcement

The Algerian Labor Code sets the minimum age for employment at 16, unless participating in an apprenticeship.[126] To participate in an apprenticeship, minors must have the permission of a legal guardian, and they cannot participate in dangerous, unhealthy, or harmful work or work that may jeopardize their morality.[127] Article 28 of the Labor Code prohibits night work for youth under the age of 19.[128] Article 182 of Ordinance No. 75-31 of April 1975 requires children to request the permission of the Ministry of Labor and Social Welfare in cases of fixed-term temporary jobs.[129]

The worst forms of child labor may be prosecuted under different statutes in Algeria. The Penal Code prohibits compulsory labor, including forced or bonded labor by children.[130] Ordinance 75-47 of June 1975 and Law No. 82-04 of February 1982 prohibit the corruption and debauchery of minors younger than age 19,[131] while Article 343 and 344 of the penal code prohibit the use and recruitment of minors in prostitution.[132] Although there is no law specifically prohibiting trafficking in persons, the Penal Code prohibits the removal, arbitrary detention, and kidnapping of a person.[133] In addition, the laws against immigration, prostitution, and forced labor are used to enforce anti-trafficking standards.[134] Ordinance 74-103 of November 1974 establishes 19 as the minimum age for recruitment into military service.[135]

The Ministry of Labor is responsible for enforcing minimum age laws and its Labor Inspection Department is charged with enforcing the law through regular inspections throughout the country. The Department of State reports that the Ministry of Labor

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primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[123] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[124] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[125] U.S. Department of State, *Country Reports- 2004: Algeria*, Section 5.

[126] *Labor Code*, Article 15; available from http://trans.voila.fr/ano?anolg=65544&anourl=http%3A//www.lexalgeria.net.

[127] Ibid.

[128] Ibid., Article 28.

[129] UN Committee on the Rights of the Child, *Initial Report of States Parties: Algeria*, Section 94e.

[130] U.S. Department of State, *Country Reports- 2004: Algeria*, Section 6c.

[131] *Code Penal*, Article 342; available from http://www.lexalgeria.net/penal3.htm.

[132] Ibid.

[133] UN Committee on the Rights of the Child, *Initial Report of States Parties: Algeria*, Section 232.

[134] U.S. Department of State, *Country Reports- 2004: Algeria*, Section 5.

[135] *Algeria Criminal Code*, Section 2, Article 74.

supposedly enforces minimum age laws through surprise inspections to public sector enterprises, but that it does not enforce the law in the agricultural or private sectors.[136]

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

The Government of Algeria is collaborating with UNICEF on programs to promote access to universal education, child protection, and economic growth. In the latter area, the government has implemented a national plan for economic development aimed at improving the situation of women and children, especially in rural provinces, where girls face barriers to education.[137]

[136] U.S. Department of State, *Country Reports- 2004: Algeria*.
[137] UNICEF, *At a glance: Algeria,* in UNICEF, n.d. [cited April 9, 2004]; available from http://www.unicef.org/infobycountry/algeria_statistics.html.

Angola

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

Incidence and Nature of Child Labor

An estimated 5.2 percent of children ages 7 to 14 were counted as working in Angola in 1995. Approximately 4.9 percent of all boys 5 to 14 were working compared to 5.6 percent of girls in the same age group.[138] Children often work on family farms in subsistence agriculture.[139] Some children in rural areas also work in diamond mining.[140]

The combination of poverty and war has led to an influx of orphaned and abandoned children working in urban areas.[141] Children in urban areas often work as domestic servants and street vendors in the informal sector. In Luanda alone, it was estimated that there were 10,000 street children; however, following a government-conducted study in 2005 approximately 1,500 were identified and registered.[142] Street children are also common in the Benguela and Huambo provinces.[143] Some of the street children were displaced or separated from their families and communities during the civil war and have yet to be reunited,[144] but the majority of them only work on the streets, returning to their

[138] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[139] UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, November 3, 2004, para 64; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/52a950efa14c0ae3c1256f200055358d/$FILE/G0444313.pdf. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Angola*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41621.htm. See also U.S. Embassy- Luanda, *reporting,* September 16, 2005.

[140] Rafael Marques, "Beyond "Conflict Diamonds": A New Report on Human Rights and Angolan Diamonds" (March 24, 2005).

[141] U.S. Embassy- Luanda, *reporting,* September 16, 2005. Local NGOs estimate that approximately 100,000 children were abandoned or orphaned as a result of the war. See U.S. Department of State, *Country Reports- 2004: Angola*, Section 5.

[142] U.S. Embassy- Luanda, *reporting (corrected)*, August 23, 2004. Estimates are based on information from the government's first child registration campaign. See U.S. Department of State, *Country Reports- 2004: Angola*, Section 5.

[143] U.S. Embassy- Luanda, conference call to USDOL official, March 9, 2005.

[144] Ibid. See also U.S. Embassy- Luanda, *reporting (corrected),* August 23, 2004.

family homes at night or on weekends.[145] Children on the streets earn money by shining shoes, washing cars, carrying water, and begging.[146] These street children are more vulnerable to resorting to crime or prostitution and are at high risk of sexual and other forms of violence and trafficking.[147] Child pornography, forced labor, and other forms of child exploitation are reported to exist in the country.[148] Angola is a source country for small numbers of women and children trafficked, primarily internally, for forced labor and sexual exploitation.[149] Children who are orphaned, homeless, or internally displaced are the most vulnerable to trafficking.[150]

Although by law, education in Angola is compulsory and free for 8 years,[151] the government reports that a certain percent of students are not in school due to a lack of school buildings and teachers. Students are often responsible for paying additional school-related expenses, including fees for books and supplies.[152] In 1999, the gross primary enrollment rate was 74 percent and in 1998, the most recent year for which data are available, the net primary enrollment rate was 61 percent.[153] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. There continue to be significant disparities in enrollment between rural and urban areas.[154] In 1995, 71.2 percent of children ages 7 to 14 years were attending school.[155] It is reported that higher percentages of boys attend school than girls.[156] During the conflict, nearly half of all

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[145] Many more children live with their families in extreme poverty on the outskirts of major cities and other areas that have been slow to recover from the war, and are at-risk of becoming street children. United Nations, *Humanitarian Situation in Angola: Monthly Analysis, October-November 2004*, 2004; available from http://www.reliefweb.int/rw/rwb.nsf/0/cc3855c3fc3ff171c1256f70003834fa?OpenDocument.
[146] U.S. Department of State, *Country Reports- 2004: Angola*, Section 6.
[147] Ibid., Section 5. See also Governo de Unidade e Reconciliação Nacional República de Angola, *Relatório de Seguimento das Metas da Cimeira Mundial pela Infância*, December 2000, 13; available from http://www.unicef.org/specialsession/how_country/edr_angola_pt.PDF. See also UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, para 66.
[148] Watch List on Children and Armed Conflict, *Angola: Important Note,* ReliefWeb, [online] April 25, 2002 [cited June 18, 2005], 11; available from http://www.reliefweb.int/w/rwb.nsf/vID/CE7CF6EEF87D82D785256BD6006B39C0?OpenDocument. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.
[149] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 5, 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm.
[150] U.S. Department of State, *Country Reports- 2004: Angola*, Section 5. Children may account for up to half of the refugee and internally displaced population in Angola. Watch List on Children and Armed Conflict, *Angola*., 7.
[151] UN Commission on Human Rights, *Preliminary Report of the Special Rapporteur on the Right to Education*, prepared by Katarina Tomasevski, 2001, [cited June 23, 2005]; available from http://www.right-to-education.org/content/unreports/unreport1prt3.html.
[152] U.S. Department of State, *Country Reports- 2004: Angola*, Section 5.
[153] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary;accessed December 2005).
[154] UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, para 52.
[155] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[156] República de Angola, *Relatório de Seguimento*.

schools were reportedly looted and destroyed, leading to current problems with overcrowding.[157] The Ministry of Education hired 20,000 new teachers in 2005, and continued to implement teacher trainings.[158] Teachers tend to be underpaid, inadequately trained, and overworked (sometimes teaching two or three shifts a day). Teachers also reportedly demand payment or bribes directly from their students.[159] Other factors, such as the presence of landmines, lack of resources and identity papers, and poor health also prevent children from regularly attending school.[160] Although budgetary allocations for education were increased in 2004, the education system in Angola continues to be extremely under-funded.[161]

Child Labor Laws and Enforcement

By law, the minimum age for employment in Angola is 14 years. Children between the ages of 14 and 18 are not permitted to work at night, under dangerous conditions, or in activities requiring great physical effort. Children under 16 years of age are restricted from working in factories.[162]

The worst forms of child labor may be prosecuted under different statutes in Angola. The Constitution and Angolan statutory law prohibit forced or bonded child labor.[163] The 1996 Decree of Application on Military Service established a minimum age of 18 years for voluntary recruitment of men and 20 years for women.[164] Trafficking in persons is not specifically prohibited in Angola, but constitutional and statutory laws prohibit kidnapping, forced or bonded servitude, prostitution, illegal entry,[165] and pornography.[166] Under Angolan law, sexual relations with a child under 12 years are defined as rape. Sexual relations with a child between 12 and 15 years may be defined as sexual abuse, and can result in up to 8 years of imprisonment.[167] Since 1999, the Government of

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[157] Watch List on Children and Armed Conflict, *Angola*, 11.
[158] U.S. Embassy- Luanda, *reporting,* September 16, 2005.
[159] U.S. Department of State, *Country Reports- 2004: Angola*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, para 52.
[160] Watch List on Children and Armed Conflict, *Angola*. See also UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, para 26. The lack of birth and identity records, or *cedulas*, often prevent returnees, IDPs, and other unregistered children from entering the school system in Angola. U.S. Embassy- Luanda, *reporting,* September 16, 2005.
[161] UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, paras 13, 52.
[162] U.S. Embassy- Luanda, *reporting,* October 15, 2002. Angola's primary law concerning child labor comes from Articles 29-31 of the Constitutional Law of 1992, which guarantee protection of the family and children. See U.S. Embassy- Luanda, *reporting,* July 15, 2000.
[163] U.S. Embassy- Luanda, *reporting,* October 15, 2002. The Ministry of Justice has effective mechanisms for enforcing provisions in the formal sector but most labor law violations occur outside the official labor market. See U.S. Department of State, *Country Reports- 2004: Angola*, Section 6c.
[164] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Angola*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=757.
[165] U.S. Department of State, *Trafficking in Persons Report- 2005: Angola*. See also U.S. Embassy- Luanda, *reporting,* October 15, 2002.
[166] U.S. Embassy- Luanda, *reporting,* October 15, 2002.
[167] U.S. Department of State, *Country Reports- 2004: Angola*, Section 5.

Angola has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[168]

While the Ministry of Public Administration, Employment, and Social Security's (MAPESS) Inspector General has the ultimate authority to enforce labor laws, the Ministry of Family and Women's Affairs currently has jurisdiction over most child labor cases, and is responsible for receiving and often investigating child labor complaints.[169] However, the Children's Affairs court, established by the Ministry of Justice in 2003, has jurisdiction over child labor cases in the province of Luanda. The court's coverage will eventually expand into all 18 provinces.[170] MAPESS maintains employment centers that screen out prospective employees who are under 14 years. MAPESS has authority to levy fines and order restitution for violations of child labor laws. There is no standard procedure for investigations or formal inspections outside the family law system.[171] The Government of Angola does not have the capacity to regulate labor in the informal sector, which is where most children work.[172] Individuals may report child labor violations, but the U.S. Department of State reports that both child labor complaints and enforcement of child labor laws are rare.

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

Since May 2002, the government has supported former child soldiers and other children affected by the war under its "Post-war Child Protection Strategy." Under this strategy, these children receive a "child rights package," consisting of birth registration and identification documents, education, skills training, counseling, and family tracing and reunification services. Since 2003, the World Bank has funded the Angola Emergency Demobilization and Reintegration Project, which aims to meet the special needs of female, child, and disabled ex-combatants in establishing sustainable livelihoods.[173] The government also established a special Task Force to develop and implement a plan to address the needs of street children.[174]

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[168] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[169] U.S. Embassy- Luanda, *reporting,* October 15, 2002. U.S. Embassy- Luanda, *reporting,* September 16, 2005.
[170] U.S. Embassy- Luanda, *reporting,* September 16, 2005.
[171] U.S. Embassy- Luanda, *reporting,* October 15, 2002. See also U.S. Department of State, *Country Reports- 2004: Angola*, Section 6d. See also U.S. Embassy- Luanda, *reporting,* September 16, 2005.
[172] U.S. Embassy- Luanda, *reporting,* September 16, 2005.
[173] Coalition to Stop the Use of Child Soldiers, *Global Report: Angola*. See also World Bank Projects Database, *Emergency Demobilization and Reintegration Project; accessed June 29, 2005*; available from www.worldbank.org.
[174] The Task Force, which is comprised of representatives from the Ministry of Social Assistance and Reintegration, the National Institute for Children, and the Ministry of Women and Family, received technical assistance from UNICEF. See United Nations, *Humanitarian Situation in Angola: Oct.-Nov. 2004*.

Anti-trafficking programs supported by the government include training for border post directors, basic assistance and reintegration services to trafficking victims (including literacy and skills training for children), and enforcement of documentation requirements for international air travel for children unaccompanied by their parents.[175] The Ministry of Justice continued its campaign to register children and provide them with identity papers in an effort to prevent trafficking and increase children's access to school and other services. The government operates facilities for abandoned and abducted children throughout the country but these tend to be under-funded, understaffed and overcrowded.[176]

In 2005, the Government of Angola began participating in a 3-year, USD 4 million USDOL Education Initiative project being implemented by Save the Children-U.S. This project aims to prevent children, particularly former child soldiers, from engaging in the worst forms of child labor.[177] The Ministry of Education and Culture (MEC) continues efforts to increase access for out-of-school children, mostly in resettlement areas. Through its Back to School campaign, the MEC continues to train new teachers for placement in schools throughout the country.[178] The National Plan on Education for All, which grew out of the Back to School campaign, is one of several initiatives to rebuild the educational system.[179] The World Bank is funding projects that include education components, including one that aims to help local communities re-build social infrastructure and develop municipal governments' capacity to provide social services.[180] The USD 91.7 million Emergency Multisector Recovery Program aims to improve access to primary education and will support school construction and rehabilitation efforts.[181] The World Food Program is also operating programs in Angola, including food-for-work

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[175] U.S. Department of State, *Trafficking in Persons Report- 2005: Angola*.

[176] U.S. Department of State, *Country Reports- 2004: Angola*, Section 5. The government registered over 4 million children between August 2002 and December 2004. U.S. Embassy- Luanda, *reporting,* September 16, 2005.

[177] U.S. Department of Labor, *ICLP Projects Funded in FY 2005,* [online] November 18, 2005 [cited February 9, 2006]; available from http://www.dol.gov/ilab/programs/iclp/projectchart05.htm.

[178] U.S. Department of State, *Country Reports- 2004: Angola*, Section 5. See also United Nations, *Humanitarian Situation in Angola: Oct.-Nov. 2004*.

[179] UNICEF, *At a glance: Angola,* [online] [cited June 18, 2005]; available from http://www.unicef.org/infobycountry/angola.html. See also Ministry of Education, *Final Document*, Luanda, April 24, 2004; available from http://www.unesco.org/education/efa/news_en/finalcommunique_Angola.doc. See also UN Committee on the Rights of the Child, *Concluding Observations: Angola, CRC/C/15/Add.246*, para 52. For additional information on EFA, please see the glossary to this report.

[180] World Bank Projects Database, http://www.worldbank.org (Angola Emergency Multisector Recovery Program Project; accessed June 21, 2005). See also World Bank Projects Database, http://www.worldbank.org (Third Social Action Fund; accessed June 21, 2005).

[181] The program is funded by a grant of USD 25.8 million from the World Bank, a loan of USD 24.9 million from the World Bank, USD 32 million from the Government of Angola, and USD 9 million from other donors. World Bank, *Angola: World Bank Provides Support For Emergency Multisector Recovery Program*, press release, Washington, D.C., February 17, 2005; available from www.worldbank.org. See also World Bank Projects Database, (Angola Emergency Multisector Recovery Program Project).

programs which aid in the reconstruction of destroyed infrastructure,[182] and school feeding programs.[183]

[182] There is no indication that food-for-work programs involve children in work activities. WFP, *Russia Makes a Landmark Pledge of Food Aid for North Korea and Angola,* The World Food Programme, [online] [cited June 18, 2005]; available from http://www.wfp.org/newsroom/subsections/preview.asp?content_item_id=1182&section=13.

[183] IRIN, *Angola: School feeding an incentive for pupils and parents,* [online] October 9, 2003 [cited June 18, 2005]; available from http://www.irinnews.org/report.asp?ReportID=37114&SelectRegion=Southern_Africa&SelectCountry=ANGOLA. The WFP's school feeding and food-for-work programs in Angola were scaled back in late 2004 due to a significant shortage of funding. United Nations, *Angola 2005 Humanitarian Framework*. During July of 2005, the World Food Program fed 160,000 Angolan children at schools. It aims to feed 200,000 children in school by the end of 2005. WFP, *World Hunger- Angola,* [online] 2005 [cited December 15, 2005]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=024.

Argentina

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

Incidence and Nature of Child Labor

An estimated 20.7 percent of children ages 10 to 14 were counted as working in Argentina in 1997. Approximately 25.4 percent of all boys 10 to 14 were working compared to 16 percent of girls in the same age group.[184] The labor force participation rates of children are slightly higher in rural than urban areas, but the Government of Argentina reports that rates of child labor have gone down in rural areas and have increased in urban areas.[185] Children work in agriculture in the production of flowers, garlic, strawberries, and tomatoes. In some cases, children are involved in the application of pesticides.[186] In urban areas, children are engaged in begging, domestic service in third-party homes, food preparation, street sales, and trash recycling. They also work in small and medium businesses and workshops and perform odd jobs such as washing car windshields and shining shoes.[187] Child labor is one of many problems associated with poverty. In 2001, 3.3 percent of the population in Argentina were living on less than USD 1 a day.[188]

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[184] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[185] Ministry of Labor, Employment, and Social Security, *Actualización diagnóstica del trabajo infantil en la Argentina*, IPEC, 2002, 151; available from http://www.conaeti.gov.ar/que_es/files/act_diag.pdf. See also CONAETI, *Trabajo infantil rural,* [online] July 14, 2003 [cited May 25, 2005], Article 189; available from http://www.trabajo.gov.ar/conaeti/que_es/rural.htm#arriba. See also CONAETI, *Trabajo infantil urbano,* [online] July 14, 2003 [cited May 25, 2005]; available from http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm. CONAETI is the country's National Commission for the Eradication of Child Labor.

[186] CONAETI, *Trabajo infantil rural*. See also Government of Argentina, *Report filed with the ILO under Article 22 of the ILO Constitution for the period ending June 30, 2004*, Buenos Aires, August 12, 2004.

[187] CONAETI, *Trabajo infantil urbano*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Argentina*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41746.htm. See also International Organization for Migration, *Argentina- Eradicating Child Labor in Informal Waste Collection and Improving Adult Working Conditions,* [online] 2005 [cited October 26, 2005]; available from http://www.iom.int/en/news/PBN300905.shtml#item2. See Section 2 of this country profile for information on minimum age of work for domestics in Argentina.

[188] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

Children in Argentina are exploited in prostitution, pornography, sex tourism, and drug trafficking.[189] Children are trafficked to Argentina mainly from Paraguay, but also from the Dominican Republic, Colombia and Bolivia for commercial sexual exploitation.[190]

Education is free and compulsory in Argentina for 10 years, beginning at age 5.[191] In 2002, the gross primary enrollment rate was 119 percent.[192] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1997, 96.6 percent of children ages 5 to 14 years were attending school.[193] As of 2001, 92 percent of children who started primary school were likely to reach grade 5.[194] Access to schooling is limited in some rural areas of the country.[195] Children who work during harvests also often miss school.[196]

Child Labor Laws and Enforcement

The Law on Labor Contracts sets the minimum age for employment at 14 years. In addition, a government regulation specifically prohibits the employment of children less than 14 in domestic service.[197] However, the law allows children under 14 years to work in family businesses as long as such work is not hazardous, and the National Regulation

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[189] CONAETI, *Trabajo infantil urbano*. See also U.S. Department of State, *Country Reports- 2004: Argentina*, Section 6d. See also ECPAT International CSEC Database, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (Argentina; accessed May 26, 2005). According to a 2001 report from UNICEF, children are exploited in prostitution in a variety of situations, including in massage parlors, brothels, and on the street. See UNICEF, *La niñez prostituida: Estudio sobre la explotación sexual comercial infantil en la Argentina*, Buenos Aires, October 2001, 35.

[190] U.S. Department of State official, email communication to USDOL official, August 9, 2006..

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

[192] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[193] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[194] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[195] U.S. Department of State, *Country Reports- 2004: Argentina*, Section 5.

[196] CONAETI, *Trabajo infantil rural*.

[197] Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Articles 187 and 189; available from http://www.trabajo.gov.ar/legislacion/ley/index.html. See also Government of Argentina, *Decreto Ley 326/56*, (1956), Article 2 as cited in CONAETI, *Legislación: Nacional,* [online] 2003 [cited May 26, 2005]; available from http://www.conaeti.gov.ar/legislacion/nacional.htm. The ILO's Committee of Experts has found that children who do not sign labor contracts are not covered by the Law on Labor Contracts. See CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Argentina (ratification: 1996)*, Geneva, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.

on Farm Labor allows children under 14 years to work on family farms as long as such work does not interfere with the child's schooling.[198]

Children ages 14 to 18 years are permitted to work if they have completed compulsory schooling, which normally ends at 14 years. Children who have not completed such schooling may obtain permission to work in cases in which their income is necessary for family survival, as long as they continue their studies.[199] Children ages 14 to 18 years must present medical certificates that attest to their ability to work.[200] Such children are prohibited from working more than 6 hours a day and 36 hours a week and between the hours of 8 p.m. and 6 a.m. In some cases, however, children ages 16 to 18 years can work for longer hours and at night.[201]

The worst forms of child labor may be prosecuted under different statutes in Argentina. The Penal Code provides for imprisonment from 6 to 15 years for facilitating the prostitution of children under thirteen, and 4 to 10 years when it involves children from 13 to 17 years old. The publication and distribution of pornography, as well as participating or forcing another to participate in pornography, are also considered crimes, and carry penalties of 1 month to 4 years of imprisonment.[202] Argentina's Migration Law establishes penalties for trafficking of minors that range from 5 to 20 years.[203] The Law on Voluntary Military Service sets the minimum age for volunteering for the Argentine armed forces at 18 years.[204] Forced labor is also prohibited under Argentine law.[205] The Government of Argentina drafted a list of hazardous forms of child labor and conducted a poll requesting public comment on the list during 2005, but by the end of 2005, the list had not been enacted into law.[206] Since 1999, the Government of Argentina has submitted to the ILO a list or an equivalent document identifying the types of work that it

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[198] *Ley de Contrato de Trabajo*, Article 189. See also Government of Argentina, *Régimen Nacional de Trabajo Agrario*, Ley No. 22.248, (April 25, 1996), Article 107 as cited in CONAETI, *Legislación: Nacional*. The Government of Argentina has stated that, per section 112 of this law, children under 18 years are prohibited from hazardous work in agriculture, and thus work for children under 14 years should be considered "light work." The ILO's Committee of Experts has noted, however, that there is no provision in Argentine law to establish a minimum age for admission to light work. See CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Argentina (ratification: 1996)*, Geneva, 2003; available from http://webfusion.ilo.org. See also CEACR, *Observation*.

[199] *Ley de Contrato de Trabajo*, Article 189.

[200] Ibid., Article 188.

[201] Children may work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. Boys over 16 years may work at night in some cases. See Ibid., Article 190.

[202] See Government of Argentina, *Código Penal*, Título III, (1921), Articles 125bis-129; available from http://www.justiniano.com/codigos_juridicos/codigos_argentina.htm.

[203] Government of Argentina, *Ley de Migraciones*, Ley 25.871, (January 1, 2004), Article 121; available from http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes_nacionales/ley_25871.htm.

[204] Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), Article 8; available from http://www.resdal.org.ar/Archivo/d000000a.htm.

[205] U.S. Department of State, *Country Reports- 2004: Argentina*, Section 6c.

[206] Government of Argentina, *Report on the Efforts Carried Out by the Government of the Argentine Republic to Eliminate the Worst Forms of Child Labor*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Buenos Aires, August 29, 2005.

has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[207]

The Government of Argentina has a national regime of sanctions for the infringement of labor laws, including child labor laws, with fines ranging from USD 350 to USD 1,750 for each child employed.[208] Provincial governments and the city government of Buenos Aires are also involved in the enforcement of child labor laws.[209] In addition, most illegal child labor can be found in the informal sector, where inspectors have limited authority to enforce the law.[210] Argentina's Congress recognized in 2004 that the country lacks sufficient inspectors and programs to detect child labor and that there is a lack of sanctions against employers for exploiting children. In addition, the Inspection Monitoring Unit lacks support to rescue and remove exploited children.[211] The U.S. State Department suggests that heavy caseloads for prosecutors, the slow judicial system, and police complicity hamper government efforts to combat trafficking.[212]

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

The National Commission for the Eradication of Child Labor (CONAETI), headed by the Government of Argentina, worked with ILO-IPEC during 2005 to complete a national child labor survey, due to be released in 2006.[213] CONAETI also prepared a national plan to combat child labor in the country, but it had not been formally enacted into law at the end of 2005.[214] The Government of Argentina participated during 2005 in an ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay.[215] As part of the project, the

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[207] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[208] U.S. Department of State, *Country Reports- 2004: Argentina*, Section 6d.
[209] Government of Argentina, *Pacto Federal de Trabajo*, Ley 25.212, (January 6, 2000), Anexo, Article 4; available from http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes_nacionales/ley_25212.htm. See also U.S. Embassy- Buenos Aires, *reporting,* August 4, 2004.
[210] U.S. Embassy- Buenos Aires, *reporting,* November 14, 2001.
[211] U.S. Embassy- Buenos Aires, *reporting,* August 4, 2004.
[212] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also U.S. Department of State, *Country Reports- 2004: Argentina*, Section 5.
[213] U.S. Embassy- Buenos Aires, *reporting,* August 4, 2004. ILO-IPEC, *Los Proyectos IPEC en breve: Encuesta y Observatorio de Trabajo Infantil*, Lima, n.d.; available from http://www.oit.org.pe/ipec/doc/fichas/fic_sim_arg_1.pdf. See also Embassy of Argentina, email communication to USDOL official, January 6, 2006.
[214] ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha Pais: Argentina*, Lima, no date; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichaargentina.doc.
[215] The project was initiated in 2001in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina is provided by the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40. See also ILO-IPEC, *Los Proyectos IPEC en breve: "Programa Luz de Infancia, para la Prevención*

government is providing funding for the construction of a service center in the city of Puerto Iguazu for child victims of commercial sexual exploitation; construction began in November.[216] With support from the IDB, CONAETI continued to carry out a program in 2005 to train labor inspectors on child labor issues.[217]

The National Council for Childhood, Adolescence, and Family (CONAF), a federal government agency, is gathering information about the problem of commercial sexual exploitation of children in Argentina and, in Buenos Aires, operates a hotline and a network of offices to assist victims. CONAF also works with other agencies and organizations such as UNICEF to raise awareness about commercial sexual exploitation of children.[218] CONAF also operates a national program to assist street children to return to their families and to school.[219] The Ministry of Social Development provides funds to heads of households, including single mothers, who keep their children in school.[220]

The Ministry of Education has a number of programs through which it provides scholarships to enable older children and adolescents who have dropped out or are at risk of dropping out to complete compulsory schooling.[221] CONAETI has begun to participate in the planning of some scholarship programs, such as the Ministry's Integral Program for Educational Equality, in order to encourage a greater focus on working children in these programs.[222] The IDB is also providing financing to support the government in efforts to improve the quality and equity of the secondary education system.[223] The government also provides school meals and has received support from UNICEF to keep schools open during the December 2004 to March 2005 summer vacation.[224]

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y Erradicación de la Explotación Sexual Comerical Infantil", Lima, n.d.; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fic_sex_arg_1.pdf.

[216] Embassy of Argentina, email communication, January 6, 2006.

[217] U.S. Embassy- Buenos Aires, *reporting,* September 30, 2005.

[218] CONAF, *Programa de capacitación y tratamiento de la violencia familiar, maltrato infantil y abuso sexual,* [online] [cited September 26, 2005]; available from http://www.conaf.gov.ar/flash/inicial.html. See also U.S. Department of State, *Country Reports- 2004: Argentina*, Section 5.

[219] CONAF, *Chicos de la calle,* [online] [cited September 26, 2005]; available from http://www.conaf.gov.ar/flash/inicial.html.

[220] UNICEF, *At a Glance: Argentina,* [online] [cited May 25, 2005]; available from http://www.unicef.org.infobycountry/argentina.html. See also Ministry of Social Development, *Plan Nacional Familias por la Inclusión Social,* [online] n.d. [cited September 26, 2005]; available from http://www.desarrollosocial.gov.ar/site/planes/PF/pf_lanzamiento.asp.

[221] Ministry of Education, *Programa Nacional de Becas Estudiantiles,* [online] n.d. [cited September 26, 2005]; available from http://www.me.gov.ar/dnpc/pnbe/pnbe.html. See also Ministry of Education, *Todos a estudiar: Programa Nacional de Inclusión Educativa,* [online] [cited September 26, 2005]; available from http://www.me.gov.ar/todosaestudiar/index.html.

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

[223] IDB, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001; available from http://www.iadb.org/exr/doc98/apr/ar1345e.pdf. See also Ministry of Education, *Programa de mejoramiento del sistema educativo: Objetivos generales,* [online] [cited September 26, 2005]; available from http://www.me.gov.ar/promse/paginas/objetivos.htm.

[224] UNICEF, *At a Glance: Argentina*.

Armenia

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Armenia are unavailable.[225] Children work in family-run agricultural or small business enterprises.[226] Children can be observed selling flowers on the streets of Yerevan and working in local marketplaces, usually after school hours.[227] There are reports of increasing numbers of children begging on the streets[228] and dropping out of school to work in the informal sector, especially in agriculture.[229] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 12.8 percent of the population in Armenia were living on less than USD 1 a day.[230]

Girls are trafficked for sexual exploitation from and through Armenia to the United Arab Emirates, Turkey and several other countries.[231] In November 2005, a case of trafficking

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[225] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[226] Such activities are not forbidden by law. By Armenian law and custom, children working in family-run small businesses (including farms) are considered to be doing chores. See U.S. Embassy- Yerevan, *reporting,* August 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2005: Armenia*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41668.htm.

[227] U.S. Department of State, *Country Reports- 2005: Armenia*, Section 6d. See also U.S. Embassy- Yerevan, reporting, August 2006. See also Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*, submitted in response to the U.S. Department of Labor Federal Register Notice (September 25, 2001) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," October 24, 2001.

[228] National Center for Democracy and Human Rights, *NGO Report: Supplementary report to Armenia's second periodic report on the implementation of the UN Convention on the Rights of the Child*, Yerevan, January 30, 2004; available from http://www.crin.org/docs/resources/treaties/crc.35/armenia_ngo_report.pdf.

[229] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Armenia*, Geneva, January 30, 2004, Paragraph 60; available from http://www.unhchr.ch/html/menu2/6/crc/doc/co/Armenia%20-%20CO2.pdf.

[230] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[231] Countries thought to be destination countries for girls trafficked from or through Armenia include Russia, Uzbekistan, and Greece, among others. See U.S. Department of State, *Country Reports- 2005:*

to Armenia came into the public eye when the National Security Service discovered a trafficked 16-year-old Ukrainian girl being exploited in the commercial sex industry in Yerevan. She was repatriated with the assistance of the Armenian government, who also arrested the trafficker.[232]

By Constitutional guarantee, primary education and 5 years of secondary education are free and compulsory through age 14.[233] In 2002, the gross primary enrollment rate was 99 percent and the net primary enrollment rate was 94 percent.[234] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Armenia.[235] Children from ethnic minority communities may be deterred by the scarcity of school materials and classes available in their native languages.[236] Access to education in rural areas remains poor, and many schools lack heating and basic facilities.[237] Agricultural responsibilities take precedence over school in rural areas, and children work in the fields during harvest season leading to prolonged absence from school.[238]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment for children at 16 years, but allows children ages 14 to 16 years to work with written permission from a parent or guardian.[239] Children ages 14 to 16 may only work up to 24 hours per week, and children ages 16 to 18 may work a maximum of 36 hours per week. Employers must require proof of a medical examination from any employee under age 18.[240] Children under age 18 are prohibited from working overtime, at night, on holidays, or in hazardous work such as strenuous physical labor. The Law on the Rights of the Child further defines hazardous work to include the production and/or sale of alcohol and tobacco products, as

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Armenia, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 6, 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm.

[232] U.S. Embassy- Yerevan, *reporting,* November 22, 2005.

[233] U.S. Department of State, *Country Reports- 2005: Armenia*, Section 5. See also EuroEducation.net, *Armenia: Structure of Education System,* International Associations of Universities, [online] 2001-2002 [cited June 24, 2005]; available from http://www.euroeducation.net/prof/armenco.htm.

[234] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[235] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

[236] U.S. Department of State, *Country Reports- 2005: Armenia*, Section 5.

[237] Government of Armenia, *National Plan 2003-2015: Rights of the Child*. See also UNICEF, *All Rights for All Children: UNICEF in Central and Eastern Europe and the Commonwealth of Independent States*, Geneva, January, 2005; available from http://www.unicef.org/publications/files/UNICEF_CEE-CIS.pdf.

[238] Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*.

[239] Children under 14 are prohibited from working. See *Labor Code of the Republic of Armenia*, (November 9, 2004); available from http://www.astp.am/laws/index.html. See also U.S. Embassy-Yerevan Official, email communication to USDOL official, February 8, 2005.

[240] *Labor Code of the Republic of Armenia*. The Ministry of Social Welfare maintains a list of "hazardous and harmful" jobs in which children are not allowed to work. See U.S. Embassy- Yerevan, *reporting*, August, 2000. See also Labor Code as cited in Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*.

well as activities that may compromise children's health, physical, or mental development, or interfere with their education.[241]

Although there is no law specifically prohibiting the worst forms of child labor in Armenia, there are statutes under which the worst forms can be prosecuted. The Constitution and the Law on Employment of 1992 prohibit forced and bonded labor, including by children.[242] The Criminal Code outlaws trafficking in persons, which is punishable by fines or up to 8 years of imprisonment, and specifically outlaws child trafficking, which is punishable by up to 7 years of imprisonment.[243] Sexual intercourse with a minor under age 16 and enticing underage girls into prostitution are also criminal offenses.[244] The Law on the Rights of the Child gives responsibility to the government to protect children from criminal activities, prostitution, and begging.[245] Armenian males are registered for military conscription at age 16, but are not subject to compulsory military service until age 18.[246]

According to the U.S. Department of State, local community councils and unemployment offices have jurisdiction to enforce the laws on minimum working age, but their efforts are uneven.[247] There have been no reports of child labor complaints being prosecuted in Armenia.[248] Although the Armenian government has heightened its attention to the issue of trafficking and is taking steps to more effectively prevent and prosecute trafficking-related offenses,[249] the U.S. Department of State reports that enforcement of anti-trafficking laws is generally weak, and there is evidence of collusion with traffickers by individual government officials. Traffickers were tried under the Criminal Code, however, there were instances when cases that should have been trafficking cases were classified under the pimping statutes, which carry lower penalties.[250]

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[241] U.S. Embassy- Yerevan, *reporting,* August 18, 2004. See also Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*.
[242] U.S. Department of State, *Country Reports- 2005: Armenia*, Section 6c. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Armenia*, Washington, D.C., February 23, 2001, Section 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2000/eur/672.htm.
[243] IOM, *Analysis of the Institutional and Legal Frameworks and Overview of Cooperation Patterns in the Field of Counter-Trafficking in Eastern Europe and Central Asia*, Vienna, November, 2003. See also U.S. Department of State, *Country Reports- 2004: Armenia*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.
[244] IOM, *Analysis of Institutional and Legal Frameworks*. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Armenia*, United Nations, July 17, 2003, Paragraph 417; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/693ad0fbe22529cbc1256dc70027de86/$FILE/G0343131.pdf.
[245] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Armenia (2003)*, Paragraph 414.
[246] Ibid., Paragraph 51.
[247] U.S. Department of State, *Country Reports- 2005: Armenia*, Section 6d.
[248] U.S. Embassy- Yerevan, *reporting,* August 18, 2004.
[249] Ibid.
[250] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2005: Armenia*, Section 5.

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

In 2005, the Government of Armenia ratified the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.[251] Ratification of these instruments is thought to be a step forward in the implementation of Armenia's National Plan of Action for the Protection of Children's Rights 2003-2015.[252] This plan, adopted in 2003, was designed in accordance with the UN Convention on the Rights of the Child and is linked to Armenia's Millennium Development Goals and Poverty Reduction Strategy Paper.[253]

The government approved a National Action Plan to combat trafficking in January 2004. Armenian officials began to implement elements of the plan and increased the number of prosecutions under the anti-trafficking statute, but the government's record on victim protection remained mixed.[254] However, the government is collaborating with international organizations and NGOs on a variety of counter-trafficking efforts, including mass-media public awareness campaigns and two NGO-run hotlines for trafficking victims.[255] IOM contributes to Government of Armenia counter-trafficking efforts through projects that train Armenian consular staff to recognize and assist trafficking victims in Armenia and destination countries and support Armenian law enforcement agencies and border guard troops in detection, investigation and prosecution of traffickers.[256] Armenia has participated in the Black Sea Economic Cooperation (BSEC) Working Group on Cooperation in Combating Crime since 1998.[257] Armenian

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[251] UNICEF, *Armenia Ratifies Key Treaties for Children,* UNICEF, [online] April 13, 2005 2005 [cited June 23, 2005]; available from http://www.unicef.org/ceecis/media_1587.html. See also United Nations High Commissioner for Human Rights, *Ratifications and Reservations: 11.c. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography New York, 25 May 2000.,* December 13, 2005 [cited December 16, 2005]; available from http://www.ohchr.org/english/countries/ratification/11_c.htm. See also United Nations High Commissioner for Human Rights, *Ratifications and Reservations: 11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict New York, 25 May 2000,* December 13, 2005 [cited December 16, 2005]; available from http://www.ohchr.org/english/countries/ratification/11_b.htm.

[252] UNICEF, *UNICEF Praises Armenian Progress Towards a Protective Environment for All Children,* UNICEF, [online] April 13, 2005 [cited June 23, 2005]; available from http://www.unicef.org/media/media_26000.html.

[253] UNICEF, *Armenia Reviews Progress on Child Rights,* UNICEF, [online] April 29, 2005 [cited June 23, 2005]; available from http://www.unicef.org/ceecis/media_1648.html.

[254] U.S. Department of State, *Trafficking in Persons Interim Assessment*.

[255] U.S. Department of State, *Country Reports- 2005: Armenia*, Section 5. See also U.S. Embassy Yerevan, *reporting, August 2006*.

[256] IOM Online Project Compendium, http://www.iom.int/ (Capacity Building for the Consular Personnel in Counter Trafficking: Armenia; accessed June 27, 2005). See also U.S. Department of State, *Country Reports- 2004: Armenia*, Section 5. See also IOM staff, email communication to USDOL official, June 29, 2005.

[257] Other participating states include Albania, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, and Ukraine. See Black Sea Economic Cooperation- Working Group on Cooperation in Combating Crime, *Joint Declaration of the Ministers of Interior / Public Order of the Member States of the Organization of the Black Sea Economic Cooperation (BSEC) on Combating Trafficking in Human Beings,* Black Sea Economic Cooperation, [online] 2004 [cited June 25, 2005].

officials coordinate with the Organization for Security and Co-operation in Europe (OSCE) on anti-trafficking efforts, including a March 2005 workshop on Combating Trafficking in Children.[258] In June 2005, Armenia's Office of the Prosecutor General signed a Memorandum of Understanding with the UNDP, aimed at improving trafficking prevention and victim assistance.[259]

The Ministry of Education and Science is implementing the final phase of its Educational National Plan 2001-2005 which focuses on improving education quality and broadening children's involvement in the system.[260] Under its National Plan of Action for the Protection of the Rights of the Child (2003-2015), the government aims to implement numerous other educational reforms including improved registration systems; psycho-social support services in schools; programs targeted to special-needs children; greater outreach to families; support for extracurricular activities; modernized technology; curriculum and teaching methodologies; and better financial management in the education sector.[261] Progress toward these reforms has been slow, due largely to inadequate financing.[262]

Armenia is a participating member of the Framework Program of Cooperation between the Council of Europe and Ministries of Education of Armenia, Georgia, and Azerbaijan. The framework aims to develop the education system in these countries; assist in structural reform of the education sector; develop curriculum and teaching methodologies; and support regional cooperation.[263] The World Bank is currently funding the Second Social Investment Fund Project, which assists the Government of Armenia in ongoing efforts to upgrade schools; repair school heating systems; upgrade furniture in schools; and carry out other community development activities that aim to strengthen local educational institutions.[264] Another World Bank-funded project,

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[258] OSCE, *Combating Trafficking in Children: Conference sponsored by the OSCE Special Representative on Combating Trafficking in Human Beings*, OSCE, Vienna, March 18, 2005; available from http://www.osce.org/documents/cthb/2005/03/15338_en.pdf. See also OSCE Office in Yerevan, *OSCE anti-trafficking meeting discusses establishment of National Referral Mechanism in Armenia*, press release, OSCE, Yerevan, June 15, 2005; available from http://www.osce.org/item/15194.html?print=1.

[259] UNDP, *UNDP Armenia and the Prosecutor General Join Efforts to Fight Trafficking in Human Beings*, press release, UNDP, Yerevan, June 14, 2005; available from http://www.undp.am/?page=pressrel.

[260] Ministry of Education and Science, *Educational National Plan 2001-2005,* as cited in UNESCO, Education Plans and Policies, 2005 [cited June 27, 2005]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=17855&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also UN Committee on the Rights of the Child, *Concluding Observations: Armenia (2004)*, Paragraph 54.

[261] Government of Armenia, *National Plan 2003-2015: Rights of the Child*.

[262] UN Committee on the Rights of the Child, *Concluding Observations: Armenia (2004)*, Paragraphs 16, 17, 18, 54.

[263] Council of Europe, *Framework Programme of Co-operation between the Council of Europe Secretariat and the Ministries of Education of the South Caucusus Region: Armenia, Azerbaijan, and Georgia: 2002-2004,* [online] 2002 [cited May 6, 2004]. The framework is now in its second stage, 2004-2006; see Council of Europe, *Walter Schwimmer meets Education Ministers of South Caucasus*, press release, Strasbourg, May 18, 2004.

[264] World Bank Projects Database, http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P057952 (Second Social Investment Fund Project; accessed June 27, 2005).

Educational Quality and Relevance, is building the capacity of the Ministry of Education and Science to develop education quality monitoring systems; strengthen ongoing education reforms; implement communications technology; and improve project evaluation.[265] Current UNICEF projects are working with the government toward its goal of increasing preschool enrollment and making preschools more flexible and family-friendly,[266] and on promoting life-skills activities and inclusive education for children with disabilities.[267]

[265] World Bank Projects Database, http://www.worldbank.org.am/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=301579&menuPK=301610&Projectid=P074503 (Educational Quality and Relevance Project; accessed June 27, 2005).
[266] UNICEF, *Armenia: No Small Matter,* UNICEF, [online] n.d. 2005 [cited June 27, 2005]; available from http://www.unicef.org/ceecis/reallives_2092.html.
[267] UNICEF Staff, email communication to USDOL official, June 28, 2005.

Bahrain

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

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Bahrain are unavailable, but reports indicate that child labor is not widespread.[268] Children reportedly work in family businesses and in small numbers performing odd jobs in the Manama Central Market.[269]

According to the Education Act of 2005, education is free and compulsory for all children, including non-citizens, ages six to 15 years.[270] In 2002, the gross primary enrollment rate was 97.0 percent and net primary enrollment rate was 90.0 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.[271] As of 2001, 99.0 percent of the children who started primary school were likely to reach grade 5.[272] The government provides for school equipment, supplies and transportation and establishes separate schools for boys and girls at all levels.[273] In addition, the

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[268] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. The Government does not collect data pertaining to the number of children engaged in child labor, the nature of extent of child work, or the number of sanctions applied to employers in violation of child labor laws. See ILO, *Review of Annual Reports- The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, Geneva, March 2003, available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf. See also U.S. Department of State, *Country Reports- 2004: Bahrain*, Section 6d; available from http:www.state.gov/g/drl/rls/hrrpt/2004/41719.htm. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the section in the front of the report titled "Data Sources."

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

[270] U.S. Embassy -Manama, *reporting*, August 27, 2005. The Education Act was ratified by the King on August 15, 2005. Under the law, parents who do not register their children for primary school by age 6 or who allow their children to be absent from school for over 10 days can face prosecution. See also Gulf Daily News, "School for All," August 16, 2005, *available at* <http://www.gulf-daily-news.com/1yr_arc_Articles.asp?Article=119570&Sn=BNEW&IssueID=28149>.

[271] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[272] UNESCO Institute for Statistics, School life expectancy, % of repeaters, survival rates; accessed December 2005, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55.

[273] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties*, CRC/C/11/Add.24, prepared by Government of Bahrain, pursuant to Article 44 of the Convention on the Rights of the Child, July 23, 2001, para. 302; available from

government is working to improve educational quality by hiring additional teachers, reducing class sizes, and offering teacher training and professional development courses for instructors. The government has also taken steps to reduce school dropouts and encourage regular school attendance.[274]

Child Labor Laws and Enforcement

The Labor Law for the Private Sector, as amended, establishes 14 years as the minimum age for employment[275] and applies to both national and foreign workers, including children, in the private sector. The law does not apply (with the exception of certain provisions regulating foreign workers) to workers, including children, in the domestic service and agricultural sectors or in enterprises owned by immediate family members.[276] The Ministry of Labor (MOL) grants and reviews work permits for foreigners,[277] and such permits may only be granted to persons 18 years of age and older.[278] The Labor Law for the Private Sector establishes special requirements for the employment of children ages 14 to 16.[279] Children ages 14 to 16 may not be employed in hazardous conditions; may not work overtime or at night; may not work on a piece-rate basis; and may not work for more than four consecutive hours or more than six hours per day. They must also be granted annual leave of not less than a full month, which they are not allowed to waive.[280] A subsidiary order enacted under the provisions of the Labor Law for the Private Sector prohibits children under the age of 16 from working in more than 25 hazardous professions and sets a maximum allowable weight of 20 kilograms for juvenile workers to carry as part of their work.[281] In addition, such children must obtain authorization from MOL and undergo a medical examination prior to their admission to employment.[282]

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http://www.bayefsky.com/reports/bahrain_crc_c_11_add.24_2000.pdf.See also UNESCO, *Bahrain National Report: Education for All 2000 Assessment*.

[274] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, para. 264.

[275] *The Labour Law for the Private Sector, as amended by Legislative Decree No. 14 of 1993*; available from http://www.bah-molsa.com/english/chap8.htm., Article 50. See also ILO, *Review of Annual Reports- The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, Geneva, March 2002; available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf.

[276] *The Labour Law for the Private Sector*, Article 2. Since Bahraini labor laws were designed to protect citizens working in the formal sector, domestic service work by foreigners falls outside the jurisdiction of current inspection mechanisms. See U.S. Embassy- Manama official, email communication to USDOL official, May 17, 2004.

[277] *The Labour Law for the Private Sector*., Article 3.

[278] Labor Consultations between Ministry of Labor and Social Affairs officials and U.S. Government officials, January 28, 2004.

[279] *The Labour Law for the Private Sector*., Articles 49-55.

[280] Ibid., Article 55. Provisions of this law do not apply to children employed in family businesses. See also U.S. Embassy- Manama, unclassified telegram no. 143552, August 27, 2005. *Bahrain: Update of Worst Forms of Child Labor Information*.

[281] *Subsidiary Legislation Enacted under the Provisions of the Labour Law for the Private Sector,1976; Promulgated by Amiri Decree Law No. 23 of 1976: The Employment of Juveniles*, (1976); available from http://www.bah-molsa.com/english/c7.htm.

[282] *The Labour Law for the Private Sector*., Article 51.2.

Although there is no law specifically prohibiting trafficking or other worst forms of child labor in Bahrain, there are statutes under which the worst forms can be prosecuted.[283] Forced or compulsory labor is prohibited by the Constitution.[284] Prostitution is illegal under the Penal Code, and the forced prostitution of a child younger than 18 years of age is punishable by up to 10 years of imprisonment.[285] While there is no compulsory military service in Bahrain, juveniles can be recruited into the Bahraini Defense Force from the age of 17 years.[286] Since 1999, the Government of Bahrain has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[287]

The Ministry of Labor is responsible for implementing and enforcing child labor laws and regulations. The Labor Law for the Private Sector provides for the inspection of industrial workplaces and for legal sanctions against employers found in violation of child labor laws.[288] Violators of the law or its implementing regulations are subject to fines between 50 and 200 Dinars (USD 132 and 526) for each occurrence and each worker. The same penalties apply to any person acting as a guardian of a juvenile who permits his or her employment in violation of the law's provisions.[289] The U.S. Department of State reported that MOL inspectors effectively enforce the labor legislation in the industrial sector;[290] however, child labor outside the industrial sector is reportedly monitored less effectively.[291]

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[283] For example, trafficking may be prosecuted under laws on kidnapping, forced prostitution and immorality, and coercion. See UN Committee on the Rights of the Child, *Initial Reports of States Parties: Bahrain*, para. 336.

[284] *Constitution of the State of Bahrain*, (February 14, 2002), Article 13(c); available from http://www.oefre.unibe.ch/law/icl/ba00000_.html. Article 5(a) of the Constitution makes the government responsible for protection of children from exploitation and neglect, as well as assisting their physical, moral, and intellectual growth.

[285] See Penal Code of Bahrain, Articles 324-329, as cited in The Protection Project, "Bahrain," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., March 2002; available from http://209.190.246.239/ver2/cr/Bahrain.pdf. See also ECPAT International, *Bahrain,* [database online] 2005 [cited November 28, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[286] Cadets of 15 years of age can be recruited for positions of non-commissioned officers, technicians, and specialized personnel. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention- Bahrain*, CRC/C/11/Add.24, para. 302.

[287] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[288] Ibid., Article 147.

[289] Ibid., Article 163.

[290] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bahrain*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27925.htm. See also Ambassador to the U.S. Khalifa Ali Al-Khalifa, Response to Information Request, USDOL official, August 26, 2003.

[291] U.S. Department of State, *Country Reports- 2004: Bahrain*, Section 6d. Foreigners make up two-thirds of the workforce. There have been reports of illegal underage domestic workers, who have entered the country with false documents indicating they were adults. Because domestic labor falls outside the jurisdiction of the inspection mechanisms in place to enforce labor laws that were designed to protect

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

The Government of Bahrain has developed a national action plan to eliminate the worst forms of child labor.[292] In December 2003, the National Assembly approved the UN Convention on Transnational Organized Crime and the optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.[293] The government provides vocational training programs for preparatory schools (grades 7-9),[294] and funds the Child Care Home for children whose parents can no longer provide for them.[295]

Bahraini citizens, inspectors do not monitor or control working conditions of foreign child domestic workers. See U.S. Embassy- Manama official, email communication to USDOL official, May 17, 2004.

[292] U.S. Embassy- Manama, unclassified telegram no. 143552, August 27, 2005. *Bahrain: Update of Worst Forms of Child Labor Information*.

[293] U.S. Embassy- Manama official, email communication to USDOL official, May 17, 2004. See also U.S. Department of State, *Country Reports- 2004: Bahrain*, Section 5.

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

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

Bangladesh

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

Incidence and Nature of Child Labor

An estimated 13.4 percent of children ages 5 to 14 years were counted as working in Bangladesh in 2002. Approximately 18.5 percent of all boys ages 5 to 14 were working compared to 7.9 percent of girls in the same age group. The majority of working children were found in the agricultural sector (62.3 percent), followed by services (23.2 percent), manufacturing (12.6 percent), and other sectors (2.0 percent).[296] Children are frequently found working in the informal sectors.[297] Children are also vulnerable to exploitation in a variety of potentially hazardous occupations and sectors, including *bidi* (hand-rolled cigarette) factories, construction, leather tanneries, fish and shrimp-farming, rickshaw-pulling, matches manufacturing, brick-breaking, the garment industry, and many others.[298] Government reports indicate that children are found working in hundreds of different activities, 47 of which are regarded as harmful to the child's physical and mental well-being. In 2004, approximately 1.3 million children were working under hazardous conditions.[299] Many children work as domestic servants and are vulnerable to sexual abuse and commercial sexual exploitation.[300] Between 35,000 and 45,000 children are reported to be exploited by criminal gangs for the purposes of arms and drug trading and smuggling.[301] Child labor is one of many problems associated with poverty.

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[296] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[297] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bangladesh*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41738.htm.

[298] Ibid. See also ILO, *The Effective Abolition of Child Labour*, Geneva, 2003, 26-28; available from http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1614. See also International Confederation of Tree Trade Unions, *Internationally Recognized Core Labour Standards in Bangladesh*, 2000; available from http://www.icftu.org/displaydocument.asp?Index=991209741&Language=EN.

[299] Economic Minister Abul Kalam Azad, Government Submission in Response to Federal Register Notice of July 13, 2004, fax communication to USDOL official, August 31, 2004.

[300] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties, Concluding Observations: Bangladesh*, CRC/C/15/Add.221, pursuant to Article 44 of the Convention on the Rights of the Child, October 27, 2003, para. 69; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3ff4da770b9e9847c1256df3005a49f4/$FILE/G0344627.pdf.

[301] UN Committee on the Rights of the Child, Child Soldiers: CRC Country Briefs -Bangladesh, 34th Session, CSC Briefing in response to reports submitted by States Parties to inform the Committee of the recruitment or use of children as soldiers, June 9-13, 2003, 3.

In 2000, 36 percent of the population in Bangladesh were living on less than USD 1 a day.[302]

Children are trafficked internally, externally, and through Bangladesh to India, Pakistan, and the Middle East for purposes of domestic service, marriage, sale of organs, bonded labor, and sexual exploitation.[303] The problem of monitoring child trafficking is compounded by the low rate of birth registration, since children without legal documents have no proof that they are underage.[304] Children are trafficked internally from the rural areas of Bangladesh to its larger cities for labor and sexual exploitation.[305] Young boys are trafficked to the United Arab Emirates, Qatar, and Kuwait to work as camel jockeys and beggars.[306]

Education is free and compulsory for children ages 6 to 10.[307] Bangladesh has achieved near gender parity in primary school enrollment.[308] In 2002, the gross primary enrollment rate was 96 percent and the net primary enrollment rate was 84 percent.[309] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 82.6 percent of children ages 5 to14 years were attending school.[310] As of 2001, 54 percent of children who started primary school were likely to reach grade 5.[311] Universal primary education is hindered because many parents withdraw their children from school, preferring to have them work for money or assist with household activities.[312] The

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[302] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[303] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also ILO-IPEC, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh (TICSA)*, RAS/02/P51/USA, Dhaka, February, 2002, 17. See also ECPAT International, *Bangladesh,* in ECPAT International, [database online] [cited July 6, 2005], Trafficking; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.
[304] UN Committee on the Rights of the Child, *Concluding Observations*, para. 37. See also ECPAT International, *Bangladesh*, Trafficking.
[305] U.S. Department of State, *Trafficking in Persons Report*. Burmese children are also trafficked through Bangladesh. See IOM, *Bangladesh: Counter-Trafficking Efforts,* in IOM Press Briefing Notes, [online] June 15, 2004 [cited July 15, 2004]; available from http://www.iom.int/en/archive/archive_press_brief_notes.shtml.
[306] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5. See also ILO-IPEC, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh*, 17.
[307] U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5. See also *The Constitution of the People's Republic of Bangladesh*, (November 1972), Article 17; available from http://www.pmo.gov.bd/constitution/contents.htm.
[308] U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 63.
[309] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tablView.aspx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[310] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.
[311] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=55 (School Life Expectancy, % of Repeaters, Survival Rates; accessed December 2005).
[312] U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5.

quality of primary education in Bangladesh is poor,[313] in part due to inadequately trained teachers, teacher absenteeism, and a lack of physical facilities.[314]

Child Labor Laws and Enforcement

The minimum age for employment varies by industrial sector. The Employment of Children Act prohibits children younger than 12 years of age from working in 10 sectors including the tanning, *bidi*, carpet, cloth, cement, and fireworks manufacturing sectors. The Act also prohibits children younger than 15 years of age from working in railways or ports.[315] The Tea Plantations Labor Ordinance forbids the employment of children under 12 on tea plantations.[316] The Mines Act prohibits children under 15 years of age from working in mines[317] and the Road Transport Workers Ordinance prohibits children under 18 from working on roads and those under 21 from working as drivers.[318] The Factories Act and Factories Rules establish 14 years as the minimum age for employment in factories.[319] The majority of child workers are found in the agriculture and domestic work sectors, but there are no specific laws covering the informal sectors.[320] The Constitution forbids forced labor.[321] The minimum age for voluntary military service is 18 years and there is no forced conscription in Bangladesh.[322] The government lists 11 occupations as the worst forms of child labor: sexual acts, smuggling, bidi, battery and chemical factories, glass factories, tanneries, salt factories, transport, rag picking, welding, arms and drug trafficking, and slavery.[323]

The worst forms of child labor may be prosecuted under different statutes in Bangladesh. Child trafficking for illegal or immoral purposes is illegal and carries penalties ranging

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[313] UN Committee on the Rights of the Child, Summary Record of the 913rd Meeting, October 6, 2003, para. 33.
[314] World Bank, *Primary Education Development Project II,* in Projects Database, [database online] September 8, 2004 [cited July 1, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074966. See also World Bank, "Bangladesh: World Bank Joins Donors to Support Primary Education", February 24, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20169107~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.
[315] Government of Bangladesh, *The Employment of Children Act No. XXVI (as modified by Act LIII of 1974)*, (1938), Section 3; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/47334/65072/E38BGD01.htm.
[316] Tea Plantations Labor Ordinance No. 39 of 1962 as cited by ILO, *NATLEX National Labour Law Database,* [cited July 1, 2005]; available from http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=BGD.
[317] U.S. Embassy- Dhaka, *reporting*, December 19, 2000.
[318] Road Transport Workers Ordinance No. 18 of 1961 as cited by ILO, *NATLEX*.
[319] Government of Bangladesh, *The Factories Rules*, Article 76, (1979); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/50617/65128/E79BGD01.htm. See also Government of Bangladesh, *Factories Act, 1965 (No. 4 of 1965)*, (1965), Sections 66-74; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/47346/65073/E65BGD01.htm.
[320] Ibid.
[321] *The Constitution of Bangladesh*, Article 34.
[322] C.I.A., http://www.cia.gov/cia/publications/factbook/fields/2024.html (World Factbook).
[323] U.S. Embassy- Dhaka, *reporting*, August 30, 2005.

from life imprisonment to death.[324] The Suppression of Immoral Traffic Act prohibits inducing children under the age of 18 into prostitution.[325] The legal definitions of prostitution and trafficking do not account for male children.[326] The Suppression of Violence against Women and Children Act, passed in 2000, protects children from sexual exploitation and maiming and imposes strict punishments on offenders.[327] The Extradition Act enables the government to order traffickers who live in or have fled to other countries back to Bangladesh for trial.[328] The recently passed Birth and Death Registration Act makes birth registration a requirement for attending school, receiving a marriage certificate or applying for a passport, making the identification of trafficking victims easier.[329]

The Office of the Chief Inspector of Factories under the Ministry of Labor and Employment is responsible for implementation and enforcement of labor legislation.[330] According to the U.S. Department of State, child labor laws are seldom enforced due to a lack of manpower. Within the formal sector, the Ministry has only 88 inspectors to monitor 21,500 registered factories and an unknown number of smaller shops and establishments.[331] Government officials have arrested, prosecuted and given prison sentences to some traffickers. The government has created an anti-trafficking monitoring unit within the police force, and assigned prosecutors to deal exclusively with trafficking cases.[332] Despite successes, public corruption is still widespread and the court system is slow. In addition, traffickers are often charged with lesser crimes such as crossing borders without proper documentation. This makes trafficking cases difficult to quantify.[333] The government has intensified its efforts to investigate and prosecute public officials complicit in trafficking. Approximately 12 officials were charged and

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[324] U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5.
[325] Government of Bangladesh, *Suppression of Immoral Traffic Act of 1933 (Act No. VI of 1933)*, Sections 9-12, (1933).
[326] ECPAT International, *Bangladesh*, Child Prostitution.
[327] Government of Bangladesh, *Suppression of Violence against Women and Children Act, 2000 (Act. No. VIII of 2000)*, (2000), Articles 4-7. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Second Periodic Reports of States Parties due in 1997, Bangladesh*, CRC/C/65/Add.22, pursuant to Article 44 of the Convention on the Rights of the Child, March 14, 2003, 7; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c0800ae5e758a57fc1256d3a002b4951/$FILE/G0340776.pdf.
[328] Mina Neumuller, *The Legal Framework on Trafficking in Bangladesh, Nepal and Sri Lanka*, ILO-IPEC, Katmandu, October, 2000, 16.
[329] UNICEF, *Bangladesh- Background,* [cited July 1, 2005]; available from http://www.unicef.org/infobycountry/bangladesh_bangladesh_background.html.
[330] U.S. Embassy- Dhaka, *reporting,* August 30, 2005.
[331] A joint monitoring team comprising officials from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), ILO, and the Office of the Chief Inspector of Factories routinely inspects all 4,000 member factories of BGMEA. From January to July 2005, the team found 9 child labor violations in 5 factories, and fined each factory the local currency equivalent of USD 100. See U.S. Embassy- Dhaka, *reporting*, 22 November, 2005.
[332] U.S. Department of State, *Trafficking in Persons Report*.
[333] U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.

prosecuted in 2005.[334] In 2005, 192 child camel jockeys were repatriated from the United Arab Emirates and provided with reintegration services.[335]

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

The Government of Bangladesh is working to eliminate child labor through the implementation of action programs, stipends, rehabilitation and reintegration for former child laborers, and promoting universal access to education.[336] The National Children's Council is responsible for enforcing laws related to children and is the highest authority for overall policy guidance on child development.[337] The ILO-IPEC program in Bangladesh is currently implementing four programs totaling USD 8.2 million to eliminate child labor through the implementation of Timebound policies and programs.[338] A USD 6 million USDOL-funded ILO-IPEC project to eliminate child labor in *bidis*, construction, leather tanneries, matches, and domestic service in third-party homes concluded in August 2005.[339]

The Government of Bangladesh has increased its efforts to combat trafficking. These efforts include the establishment of a police anti-trafficking unit; arrests of several public officials for complicity in trafficking crimes; the rescue of more than 160 victims; and the creation of an inter-ministerial committee on trafficking.[340] The government is also collaborating extensively with the NGO community on efforts to combat child trafficking in the areas of prevention, research, advocacy, awareness raising, enforcement, rehabilitation, and legislative reform.[341] Bangladesh is one of six countries included in a USDOL-funded ILO-IPEC Asia project to combat child trafficking for labor and sexual exploitation.[342] The government is supporting a major national anti-trafficking prevention campaign to increase awareness of the problem among vulnerable groups. The program includes radio and television advertisements and anti-trafficking training for religious leaders and the border patrol.[343] With support from IOM, the Ministry of

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[334] U.S. Embassy- Dhaka, *reporting,* August 30, 2005.
[335] Ibid.
[336] ILO, *The Effective Abolition of Child Labour*, 217-218. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 69.
[337] UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Bangladesh*, 9.
[338] ILO-IPEC Official, e-mail communication to USDOL Official, November 8, 2005.
[339] ILO-IPEC, *Preventing and Eliminating the Worst Forms of Child Labour in Selected Formal and Informal Sectors in Bangladesh*, Technical Progress Report, Geneva, September 2005. See also U.S. Department of Labor, *Preventing and Eliminating Worst Forms of Child Labor in Selected Formal and Informal Sectors in Bangladesh*, ILAB Technical Cooperation Project Summary, November 8, 2005.
[340] White House Office of the Press Secretary, *Memorandum for the Secretary of State: Presidential Determination N. 2004-46 with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons*, press release, Washington, D.C., September 10, 2004; available from http://www.state.gov/g/tip/rls/prsrl/36127.htm.
[341] U.S. Department of State, *Country Reports- 2004: Bangladesh*, Section 5.
[342] The USD 3 million project, which also includes Nepal, Sri Lanka, Pakistan, Indonesia, and Thailand, is in its second phase and is scheduled to end in 2006. See ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, February 2002.
[343] U.S. Department of State, *Trafficking in Persons Report*.

Women and Children Affairs launched a strategic initiative outlining a framework of action for the government, NGOs, and civil society to combat trafficking. IOM also collaborated with the Ministry of Home Affairs to organize training sessions in several districts to enhance the capacity of law enforcement agencies and immigration officials to address trafficking in Bangladesh.[344]

The Government of Bangladesh has made progress in improving the quality of and access to basic education.[345] The government is implementing a second phase of the National Plan of Action for Education for All for the period 2003 to 2015, which embraces all of the goals of Education for All (EFA) for making education compulsory, accessible, and all-inclusive.[346] Recent government efforts have included the abolition of tuition fees for primary schools, the establishment of a 500 million *taka* (USD 7.6 million) stipend program, and a "food for education" program.[347]

The Government of Bangladesh is also receiving intensified support to improve the education system from the World Bank, UNICEF, Save the Children and several other donors and NGOs.[348] Multiple donors fund the USD 150 million Primary Education Development Program (PEDP II) that aims to enhance the quality, access, and efficiency of primary education by operationalizing key aspects of the government's EFA initiative and Poverty Reduction strategies.[349] The World Bank supports the USD 51 million Reaching Out-of-School Children Project to improve access and quality of education with a focus on disadvantaged children.[350]

The government has also received support from the Asian Development Bank (ADB) in its efforts to improve the education system. Current ADB technical assistance projects

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[344] More than 100 government officials, NGO staff, and other development partners participated in the workshops. See IOM, *Bangladesh: Counter-Trafficking Efforts*. See also IOM, *Bangladesh: Training of Immigration Officials,* in IOM Press Briefing Notes, [online] August 13, 2004 [cited November 30, 2005]; available from http://www.iom.int/en/archive/archive_press_brief_notes.shtml.

[345] World Bank, *World Bank Joins Donors to Support Primary Education*, February 24, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20169107~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

[346] Government of the People's Republic of Bangladesh, *Education for All: National Plan of Action II 2003-2015*, May 2003, Chapters V-VII.

[347] UN Committee on the Rights of the Child, *Concluding Observations*, para. 63. For currency conversion, see FX Converter, [online] [cited October 3, 2005]; available from http://www.carosta.de/frames/convert.htm.

[348] UNICEF, *Bangladesh- Girls Education,* [cited July 1, 2005]; available from http://www.unicef.org/bangladesh/education_646.htm. See also Save the Children, *Bangladesh,* [cited July 1, 2005]; available from http://www.savethechildren.org/countries/asia/bangladesh.asp. See also World Bank, *Primary Education Development Project II*.

[349] World Bank, *Primary Education Development Project II*.

[350] World Bank, *Bangladesh- Reaching Out of School Children,* [cited July 1, 2005]; available from http://www.worldbank.org.bd/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=295760&menuPK=295794&Projectid=P086791. See also World Bank, *Project Appraisal Document on a Proposed Grant in the Amount of SDR 35.2 Million to the People's Republic of Bangladesh for a Reaching Out-of-School Children Project*, May 19, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/05/27/000160016_20040527125030/Rendered/PDF/29019.pdf.

include the Teaching Quality Improvement in Secondary Education Project,[351] the Strengthening Primary Education Development Program,[352] and the Secondary Education Sector Improvement Project II.[353] USAID is sponsoring an early childhood education program designed to introduce preschool programs to Bangladesh and create and distribute high-quality, educational television programs for young students.[354]

As part of its Country Program 2001–2005, the World Food Program provides meals for non-formal primary education students in areas with low enrollment. The School Feeding Program also provides supplementary snacks to adolescent girls.[355]

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[351] Asian Development Bank, *Technical Assistance to the People's Republic of Bangladesh for Preparing the Teaching Quality Improvement in Secondary Education Project*, August 2002; available from http://www.adb.org/Documents/TARs/BAN/R178_02.pdf.
[352] Asian Development Bank, *Technical Assistance to the People's Republic of Bangladesh for the Strengthening Primary Education Development Program*, December 2002; available from http://www.adb.org/Documents/TARs/BAN/tar_ban_36618.pdf.
[353] Asian Development Bank, *Technical Assistance to the People's Republic of Bangladesh for Preparing the Secondary Education Sector Improvement Project II*, December 2004; available from http://www.adb.org/Documents/TARs/BAN/tar-ban-37307.pdf.
[354] USAID, *Data Sheet - Bangladesh - Education,* 2005 [cited July 1, 2005]; available from http://www.usaid.gov/policy/budget/cbj2006/ane/pdf/bd388-010.pdf.
[355] The World Food Programme, *World Hunger- Bangladesh,* April 24, 2004 [cited July 7, 2005]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=050.

Belize

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

Incidence and Nature of Child Labor

An estimated 6.3 percent of children ages 5 to 14 years were counted as working in Belize in 2001. Approximately 8.1 percent of all boys ages 5 to 14 years were working compared to 4.6 percent of girls in the same age group. The majority of working children were found in the agricultural sector (55.3 percent), followed by services (38.8 percent), and manufacturing (3.6 percent) in 2001.[356] Approximately 74.6 percent of working children are found in rural regions,[357] where they work on family plots and in family businesses after school, on weekends and during vacations.[358] They also work in citrus, banana, and sugar fields.[359] In urban areas, children shine shoes, sell food, crafts, and other small items, and work in markets.[360] Teenage girls, many of whom have migrated from Honduras and other neighboring Central American countries, are reported to work as barmaids and prostitutes.[361]

Belize is considered a transit and destination country for children trafficked for sexual exploitation.[362] Girls are also trafficked internally for commercial exploitation and pornography. The practice of minors engaging in prostitution with older men in exchange for clothing, jewelry, or school fees and books is reported to occur throughout

[356] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[357] Statistical Information and Monitoring Programme on Child Labor (SIMPOC) and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Statistical Report*, ILO, 2003, xix; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_natl.pdf. See also ILO-IPEC SIMPOC, *Child Labour and Education in Belize: A Situational Assessment and In-depth Analysis*, ILO, June 2003, ix; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_depth.pdf.

[358] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Belize*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41749.htm.

[359] Ibid.

[360] Ibid.

[361] Ibid.

[362] Girls are trafficked to Belize primarily from Central America. See U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm.

the country.[363] It is also reported that some instances of child sexual exploitation and trafficking are arranged by family members.[364]

Education in Belize is compulsory between the ages of 5 and 14 years.[365] In 2001, 93.2 percent of children ages 5 to 14 years were attending school.[366] The Education Act subjects parents to a fine of up to USD 100 if their children of compulsory school age fail to attend school regularly.[367] Primary education is free, but related expenses, such as uniforms and books, are a financial strain on poor families.[368] Secondary schools and apprenticeship and vocational programs can only accommodate one-half of children who complete primary school.[369] In 2002, the gross primary enrollment rate was 122 percent, and the net primary enrollment rate was 99 percent.[370] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. As of 1999, 81 percent of children enrolled in primary school were likely to reach grade 5.[371] Results from the Child Activity Survey indicate that 12 percent of working children ages 5 to 14 years do not attend school.[372]

Child Labor Laws and Enforcement

The Labor Act of Belize sets the minimum age for work as 12, 14, and 16 years in different sections of the text, and has been criticized as being unclear.[373] According to the Labor Act, children ages 12 to 14 years may only participate in light work that is not harmful to life, health, or education; only after school hours and for a total of 2 hours on a

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[363] U.S. Department of State, *Country Reports- 2004: Belize*, Section 5.
[364] Ibid. See also U.S. Department of State, *Trafficking in Persons Report*.
[365] *Education Act*, Chapter 36, (April 24, 1991), Section 2(b); available from http://www.belizelaw.org/lawadmin/index2.html.
[366] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[367] Ibid., Section 37.
[368] U.S. Department of State, *Country Reports- 2004: Belize*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations: Belize*, March 31, 2005, para. 60; available from http://www.unhchr.ch/tbs/doc.nsf/0/15d955c522246114c125702100421174/$FILE/G0540865.pdf.
[369] U.S. Department of State, *Country Reports- 2004: Belize*, Section 5.
[370] UNESCO Institute for Statistics, http://wtatus.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.
[371] UNESCO Institute for Statistics, http://wtatus.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[372] ILO-IPEC SIMPOC, *Child Labour and Education in Belize*, ix.
[373] For example, Section 169 of the Labor Act, which is the most explicit section on minimum age, states that "no child shall be employed so long as he is under the age of twelve years." On the other hand, Section 164 of the same Act states that "no one shall employ a child" and a child is defined as anyone under the age of 14. See SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, ILO, February 2003, 11; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_qual.pdf. See also *Labour Act*, Chapter 297, (December 31, 2000), Section 169; available from http://www.belizelaw.org/lawadmin/index2.html.

school day or Sunday; and only between the hours of 6 a.m. and 8 p.m.[374] The Labor Act applies to all employment in the formal sector, but not to self-employment or employment by family members.[375] The minimum age for employment near hazardous machinery is 17 years.[376] The Labor Act sets penalties for non-compliance with minimum age standards at USD 20 or 2 months of imprisonment for the first offense, and in the case of subsequent offenses, USD 50 or 4 months of imprisonment.[377]

The Families and Children Act prohibits children (defined in this Act as persons below 18 years of age) from employment in activities that may be detrimental to their health, education, or mental, physical, or moral development.[378] Forced and bonded labor are prohibited in Belize under the Constitution.[379] Although there is no law establishing a minimum age for conscription into the military, the minimum age for voluntary enrollment is 18 years.[380]

The Trafficking in Persons (Prohibition) Act punishes trafficking offenses with fines of up to USD 5,000 and imprisonment of up to 8 years.[381] Traffickers can also be prosecuted under immigration and abduction laws. The Criminal Code prohibits procuring a female for sexual exploitation within or outside of Belize and provides for 5 years of imprisonment for the crime. Penalties for abduction range from two years to life imprisonment, depending on the age and gender of the victim and the intent of the perpetrator. Abduction of a female with intent to marry or "carnally know her, or to cause her to be married or carnally known…" is punishable by 13 years of imprisonment.[382] The Criminal Code also prohibits sex with a female child younger than 14 years, and provides for a penalty of 12 years to life imprisonment. The sentence for the same act with a girl aged 14 to 16 years is 5 to 10 years of imprisonment.[383]

Inspectors from the Departments of Labor and Education enforce child labor and school attendance regulations.[384] Ministry of Education officials investigate complaints of truancy and some forms of child labor. The National Organization for the Prevention of

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[374] *Labour Act*, Section 169. See also U.S. Embassy- Belize, *reporting*, August 19, 2003.
[375] U.S. Embassy- Belize, *reporting*, July 6, 2000. See also U.S. Department of State, *Country Reports- 2004: Belize*, Section 6d.
[376] U.S. Department of State, *Country Reports- 2004: Belize*, Section 6d.
[377] *Labour Act*, Section 172.
[378] *Families and Children Act, Revised Edition*, (December 31, 2000), Part I, Articles 2(a), 7; available from http://www.belizelaw.org/lawadmin/PDF%20files/cap173.pdf.
[379] *Constitution of Belize*, (1981), Article 8(2); available from http://www.georgetown.edu/LatAmerPolitical/Constitutions/Belize/belize.html. See also U.S. Department of State, *Country Reports- 2004: Belize*, Section 6c.
[380] Coalition to Stop the Use of Child Soldiers, "Belize," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=810.
[381] U.S. Department of State, *Country Reports- 2004: Belize*, Section 5. Anti-trafficking law includes provisions for victim assistance; however, according to the U.S. State Department, a lack of resources and capacity limits these efforts. See U.S. Department of State, *Trafficking in Persons Report*.
[382] *Criminal Code, Chapter 101*, (Amended May 31, 2003), Sections 49,55-56 [cited June 29, 2005]; available from http://www.belizelaw.org/lawadmin/index2.html.
[383] Ibid., Section 47.
[384] U.S. Department of State, *Country Reports- 2004: Belize*, Section 6d. School Attendance Officers are tasked with ensuring that parents meet compulsory education laws. See *Education Act*, Sections 38-40.

Child Abuse and Neglect (NOPCAN) receives complaints on the worst forms of child labor and refers them to the Department of Human Services and the police.[385] The Department of Human Services is legally empowered to handle the protection of child labor victims.[386] A newly created unit within the Belize Immigration Department is charged with investigating trafficking cases.[387]

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

The Government of Belize has a National Committee for Families and Children (NCFC), which works with the National Human Advisory Committee to monitor the implementation of the National Plan of Action for Children and Adolescents (2004-2015).[388] The National Plan includes objectives, strategies, and activities intended to promote the development of children and adolescents in the areas of health, education, child labor and protection, family, HIV/AIDS and culture.[389] The Ministries of Human Development, Labor, and Local Government head a sub-committee under the NCFC that deals with issues of child labor.[390] With funding from the Canadian government, ILO-IPEC worked with the Government of Belize to implement two regional projects to combat the worst forms of child labor,[391] and a pilot project to withdraw and rehabilitate children engaged in the worst forms of child labor in subsistence and commercial agriculture in Belize.[392] This year, the Government of Belize began participating in a USDOL-funded regional project implemented by ILO-IPEC to combat commercial sexual exploitation of children.[393] The government airs public service announcements and publishes newspaper ads to raise awareness of child trafficking and commercial

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[385] Wendel D.J. Parham, Executive Director of Caribbean Agricultural Research and Development Institute, letter to USDOL official, September 9, 2002.
[386] The department is part of the Ministry of Human Development and Housing. See Belize Labour Commissioner, electronic communication to USDOL official, August 26, 2005.
[387] U.S. Embassy- Belize, *reporting*, January 24, 2005.
[388] Statement at the UN Special Session on Children, May 10, 2002; available from http://www.un.org/ga/children/belizeE.htm.
[389] Belize Labour Commissioner, electronic communication, August 26, 2005. See also UNICEF, *Unity in Belize: parties endorse plan for kids,* [online] September 7, 2004 [cited November 8, 2005]; available from http://www.unicef.org/media/media_23431.html.
[390] The multi-sectoral committee includes members from the Ministries of Labor, Human Development, Education, and Health, members from the Belize Chamber of Commerce and Industry, the Immigration Department, the Police Department, the National Trade Union Congress of Belize, the Association of General Managers of Primary Schools and the Central Statistical Office. See U.S. Embassy- Belize, *reporting*, September 1, 2004. See also ILO Sub-regional office for the Caribbean, *National child labour committees,* [online] 2005 [cited June 29, 2005]; available from http://www.ilocarib.org.tt/childlabour/committees.htm.
[391] The regional projects are scheduled to closed December 31, 2005. ILO-IPEC Geneva official, email communication to USDOL official, May 12, 2004.
[392] The pilot project was closed in November 2005. See ILO Sub-regional Office for the Caribbean, *Combating Child Labor in the Caribbean: Pilot Programs,* [online] 2005 [cited June 29, 2005]; available from http://www.ilocarib.org.tt/childlabour/pilot_programme.htm.
[393] ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic Addendum*, project document, RLA/05/P52/USA, September 2005.

sexual exploitation, and has a National Task Force to oversee efforts to combat trafficking.[394]

The Government of Belize is implementing a 10-year Education Sector Strategy to achieve universal access to education for children ages 3 to 16 years.[395] The government continues to offer tuition grants to primary and secondary school students and maintains a textbook lending program.[396]

[394] U.S. Department of State, *Country Reports- 2004: Belize*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.
[395] UN Committee on the Rights of the Child, *Concluding Observations*, para. 60.
[396] SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, 17-18.

Benin

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Benin are unavailable.[397] In Benin, children work on family farms, in small businesses, on construction sites, in markets, and as domestic servants.[398] Children also work in stone quarries.[399] There are also reports of child prostitution, mainly involving girls and particularly in urban areas.[400]

Benin is a source, destination and transit country for the trafficking of children. Children from Benin are trafficked into Cameroon, Côte d'Ivoire, Gabon, Ghana, and Nigeria; children from Burkina Faso, Niger, and Togo are trafficked into Benin.[401] Trafficked children often work as agricultural workers, domestic servants, market vendors, in rock quarries, and are involved in commercial sexual exploitation.[402] Trafficked Beninese children work on rock quarries in Nigeria, on cocoa plantations in Côte d'Ivoire, and as involuntary domestic servants in Gabon.[403] Children are also trafficked within Benin for forced labor in construction, commercial enterprises, handicrafts, and street vending.[404]

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[397] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[398] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Benin*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41588.htm.

[399] Integrated Regional Information Networks, "BENIN: Children crushing stones into gravel to get through school", IRINnews.org, [online], June 29, 2005 [cited June 30, 2005]; available from http://www.irinnews.org/print.asp?ReportID=47890.

[400] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5. See also ECPAT International, *Benin,* in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=19&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[401] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[402] Ibid. See also ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II) Country Annex I: Benin*, RAF/01/P53/USA, Geneva, July 2001. See also U.S. Embassy- Cotonou, *reporting*, August 26, 2004.

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

[404] Ibid.

Many families facing poverty will place children in the care of an "agent" believing that the wages from this labor will be sent home to the family.[405]

The practice of *vidomegon*, in which poor children are placed in wealthier households, continues. In exchange for housing and food, these children work for the wealthy families, with income generated from the child's activities being divided between the child's host and natural families. In some cases, however, the situation degenerates into forced labor. *Vidomegon* children may be subjected to poor working and living conditions and are vulnerable to abuse and exploitation, including being trafficked.[406] In some cases, v*idomegon* children are trafficked to neighboring countries to work.[407]

The Constitution guarantees education to all children.[408] Education in Benin is free for primary school children ages 6 to 11 years, but families are required to pay additional expenses associated with schooling, such as uniforms, transportation, and school stationery, which can be unaffordable for poorer families.[409] The Government of Benin, however, offers reduced-price textbooks to improve access to and quality of education.[410] Education is compulsory in primary school, but there is no mechanism for enforcement.[411] In addition, teacher strikes disrupted the 2004-2005 school year.[412] Boys enroll in primary school in Benin at higher rates than girls. In 2002, the gross primary enrollment rate in Benin was 109 percent, and in 1999, the most recent year for which data are available, the net primary enrollment rate was 58 percent.[413] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Benin.[414] As of 2001, 68 percent of children who started primary school were likely to reach grade 5.[415]

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[405] U.S. Department of State, *Country Reports- 2004: Benin*, Section 6d.
[406] Approximately 90 to 95 percent of *vidomegons* were girls. See Ibid., Section 5.
[407] Ibid.
[408] *Constitution de la République du Bénin*, (December 11, 1990), Articles 8, 12; available from http://www.afrikinfo.com/lois/benin/loi/text.htm.
[409] U.S. Embassy Cotonou official, electronic communication to USDOL official, February 19, 2004. See also *Constitution de la République du Bénin*, Article 13.
[410] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[411] U.S. Embassy Cotonou official, electronic communication, February 19, 2004. See also U.S. Embassy-Cotonou official, electronic communication to USDOL official, October 22, 2003. See also *Constitution de la République du Bénin*, Article 13. Although children are required to attend school only until age 11, children under 14 years are not legally permitted to work. See Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, technical progress report, Baltimore, March 26, 2004, 2.
[412] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[413] UNESCO Institute for Statistics, http://stat.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[414] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[415] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, including for apprenticeships, and prohibits forced labor.[416] In addition, the Labor Code requires employers to maintain a register, including the birth date, of all employees under the age of 18 years.[417] A labor inspector can require that young workers be examined by a doctor to determine that they are not working beyond their abilities.[418] Beninese law also prohibits workers under 18 years from performing certain types of work, including transporting heavy loads, operating certain types of machinery, working with hazardous substances, and working in underground mines and quarries.[419] Children between 12 and 14 years may perform domestic work and light work of a temporary or seasonal nature, provided that it does not interfere with their compulsory schooling.[420] However, the U.S. Department of State reports that due to a lack of resources, enforcement of the Labor Code by the Ministry of Labor is limited and does not include the informal sector.[421]

The worst forms of child labor may be prosecuted under different statutes in Benin. The minimum age for recruitment into the military is 21 years.[422] It is illegal to prostitute a minor in Benin.[423] As of the end of 2005, children were protected from abduction under current legislation, but specific anti-trafficking legislation did not exist.[424] Laws against prostitution, forced or bonded labor, and the employment of children under 14 years may also be used to prosecute traffickers.[425] Since 1999, the Government of Benin has

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[416] Government of Benin, *Code du Travail*, Loi no 98-004, (January 27, 1998), Articles 3, 66, 166; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/49604/65115/F98BEN01.htm.
[417] Ibid., Article 167.
[418] Ibid., Article 169. Section 4 of Inter-Ministerial Order No. 132 of 2000 defines a young worker as a person between the ages of 14 and 18 years. See ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001),* [online] 2004 [cited June 15, 2005]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.
[419] CEACR, *Direct Request, Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001)*, Geneva, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.
[420] Ibid.
[421] U.S. Department of State, *Country Reports- 2004: Benin*, Section 6d.
[422] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=758.
[423] The penalty for prostituting a minor, or in any way assisting or protecting the prostitution of a minor is 2 to 5 years in prison and a fine of 1,000,000 to 10,000,000 CFA francs (USD 1,842.50 to USD 18,425). See Criminal Code, Section IV - Indecent Behavior, Articles 334, 334b, (April 13, 1946); available from http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf. Currency conversion performed using FX Converter, [online] n.d. [cited June 27, 2005]; available from http://www.carosta.de/frames/convert.htm.
[424] U.S. Department of State, *Trafficking in Persons Report*. The Criminal Code provides that a person who has abducted, concealed, or suppressed a child will be punished by imprisonment. See The Government of Benin, *Crimes and offenses tending to hinder or destroy proof of the civil status of a child, or to endanger its existence; abduction of minors; violations of burial laws*, Criminal Code, Section VI, Article 345; available from http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf. In addition, decree No. 95-191 (1995) states that adults wishing to exit the country with a child under 18 years of age must register with the proper local authority and pay a fee held in escrow until the child has been returned to the village. See ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex I: Benin*. See U.S. Embassy-Cotonou official, electronic communication to USDOL official, August 14, 2006.
[425] U.S. Department of State, *Trafficking in Persons Report*.

submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.
[426] The government's Brigade for the Protection of Minors has jurisdiction over all law enforcement matters related to children, including child labor and child trafficking.[427] Between January and October 2005, 59 child trafficking cases were tried, resulting in 44 convictions.[428] However, the Brigade is understaffed and lacks the necessary resources to carry out its mandate.[429] In addition, according to U.S. Department of State, enforcement of child prostitution laws is often inadequate.[430]

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

The Government of Benin is participating in a regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[431] The government also participates in a USD 2 million education initiative funded by USDOL to improve access to quality, basic education for victims of child trafficking and children at risk of being trafficked.[432] With assistance from the U.S. Department of Justice, officials from the Brigade for the Protection of Minors will receive training on identifying and preventing trafficking in persons. The 2-year, USD 200,000 project also seeks to improve the Government of Benin's capacity to investigate and prosecute trafficking cases and to protect trafficking victims.[433] In addition, the Government of Benin is participating in an ILO-IPEC project funded by France to combat child labor in Francophone Africa,[434] as well as one funded by Denmark to combat trafficking in children for labor exploitation in Benin, Ghana, and Burkina Faso.[435]

In July 2005, Benin was one of 9 countries to sign a multilateral cooperative agreement to combat child trafficking in West Africa.[436] Additionally, as a result of a Memorandum of Understanding between Benin and Nigeria to cooperate to protect and repatriate

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[426] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[427] U.S. Embassy- Cotonou, *reporting*, August 26, 2004.
[428] U.S. Embassy- Cotonou, *reporting*, November 21, 2005.
[429] U.S. Embassy- Cotonou, *reporting,* August 26, 2004.
[430] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[431] The regional child trafficking project covers Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA), Project Summary*, 2004.
[432] The 4-year project was funded in 2003. See International Child Labor Program U.S. Department of Labor, *Education First Project, Project Summary*, 2003.
[433] U.S. Department of State, *reporting*, March 9, 2005.
[434] The countries participating in this project include Benin, Burkina Faso, Madagascar, Mali, Morocco, Niger, Senegal, and Togo. See ILO- IPEC official, email communication to USDOL official, November 8, 2005.
[435] ILO-IPEC official, IPEC projects from all donors except USDOL, email communication to USDOL official, November 8, 2005.
[436] *Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa,* July 27, 2005. *See also* U.S. Embassy- Cotonou, *reporting,* November 21, 2005.

trafficking victims, and to identify, investigate, and prosecute agents and traffickers, joint border patrols have been established to curb smuggling and banditry.[437] In June 2005, Benin and Nigeria agreed to continue this cooperation. The objectives of this agreement include establishing joint security surveillance patrols and awareness raising campaigns along border areas, and rehabilitating and reintegrating trafficking victims. A joint committee has been set up to implement the agreement, and a joint plan of action against trafficking in persons has been adopted.[438] The government also collaborates with Gabon and Togo to address cross-border trafficking and repatriate trafficking victims.[439] Also, the government works with UNICEF and NGOs to prevent child trafficking.[440]

The government is implementing a National Plan of Action on behalf of women and children.[441] The Ministry of Family, Social Protection and Solidarity collaborates with donors and NGOs to provide child trafficking victims with reintegration support and to place them in educational and vocational programs.[442] USAID supports a variety of educational efforts in Benin, including the development of a new national primary school curriculum and the professional development of teachers and teacher trainers.[443]

The government continues to raise awareness of child labor through media campaigns, regional workshops, and by collaborating with a network of NGOs and journalists.[444] The government has also provided resources, training, and logistical support to local anti-trafficking committees,[445] and the ministry charged with children's affairs has set up an Observatory of Children, Women, and the Family.[446] The Brigade for the Protection of Minors operates a free hotline for children to report abuse or other problems.[447] The Brigade also acquired a new building that can accommodate up to 160 victims of child trafficking and other abuses, though it remains unused.[448] Both the Brigade and the Judicial Police have been trained on how to identify and protect trafficking victims.[449] A government-established national child protection committee oversees the fight against

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[437] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[438] Max Amuchie, "Nigeria, Benin United Against Child Trafficking," *This Day* (Lagos), June 19, 2005; available from http://allafrica.com/stories/printable/200506201353.html. See also UNICEF, *Benin and Nigeria pledge to fight child trafficking*, press release, Cotonou/Abuja, June 9, 2005; available from http://www.unicef.org/media/media_27309.html.
[439] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[440] Integrated Regional Information Networks, "WEST AFRICA: Impoverished families trade their children", IRINnews.org, [online], June 16, 2005 [cited June 30, 2005]; available from http://www.irinnews.org/print.asp?ReportID=47680.
[441] Catholic Relief Services, *Education First technical progress report - March 2004*, 2. See also ECPAT International, *Benin*.
[442] U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[443] USAID-Benin, *Improving the Quality of Education,* in USAID-Benin, [online] n.d. [cited June 27, 2005]; available from http://www.usaid.gov/bj/education/p-qualityeduc.html.
[444] U.S. Department of State, *Country Reports- 2004: Benin*, Sections 5 and 6d.
[445] U.S. Department of State, *Trafficking in Persons Report*.
[446] ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA)*, technical progress report, Geneva, March 1, 2005, 2.
[447] ECPAT International, *Benin*.
[448] U.S. Department of State, *Trafficking in Persons Report*. See U.S. Embassy – Cotonou official, electronic communication to USDOL official, August 14, 2006.
[449] Ibid.

child trafficking.[450] The Ministry of Family operates centers in urban areas that offer education and vocational training opportunities to victims of *vidomegon*.[451]

UNICEF is implementing programs that support training for teachers and PTAs, and allow the community to become directly involved in school administration and girls' education.[452] The education component of Benin's poverty reduction strategy (PRSP) for 2003-2005 focuses on equal opportunity for all students, improving quality, strengthening institutional framework, and controlling education costs, and includes special provisions to promote girls' education.[453] The PRSP also calls for strengthening local capacity to combat child trafficking.[454] The World Bank is supporting the implementation of Benin's PRSP through a project that addresses basic education.[455] The Ministry of Primary and Secondary Education, together with partners, developed a new strategy for increasing girls' education in Benin and an outline of roles and responsibilities of key actors in ensuring the availability of resources to implement the strategy.[456]

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[450] The committee is comprised of representatives of the government, child welfare organizations, and the police. See U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.
[451] Ibid.
[452] UNICEF, *At a glance: Benin,* in UNICEF, [online] n.d. [cited June 20, 2005]; available from http://www.unicef.org/infobycountry/benin.html.
[453] Behind basic education, second priority is given to technical education and vocational training. See Republic of Benin National Committee for Development and Fight Against Poverty, *Benin Poverty Reduction Strategy Paper 2003-2005*, December 2002; available from http://poverty.worldbank.org/files/13970_Benin_PRSP.pdf [hard copy on file].
[454] Ibid., 70.
[455] World Bank, *Poverty Reduction Strategy Credit - 1st PRSC,* in World Bank, [online] n.d. [cited June 27, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=322639&menuPK=322671&Projectid=P072003.
[456] Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, technical progress report, Baltimore, March 22, 2005, 5.

Bhutan

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[457]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children in Bhutan are unavailable.[458] Children are found working in agriculture, particularly on family farms.[459] Foreign child workers are found in road construction.[460] In cities, children are found working as domestics and child care workers.[461] Children also work as doma[462] sellers, street vendors,[463] in shops and restaurants, auto mechanic shops, transportation services, and other family and private enterprises.[464] Children are also involved in commercial sexual exploitation.[465]

Primary education is free and compulsory.[466] Primary education comprises 7 years, including a year of preparatory education and grades 1 through 6.[467] Basic education has been raised through grade 10,[468] which includes four years of lower and middle school

[457] The Government of Bhutan is not a member of the ILO, and is thus unable to ratify ILO conventions.
[458] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.
[459] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bhutan*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41739.htm.
[460] U.S. Embassy- New Delhi, *reporting*, September 17, 2004.
[461] U.S. Department of State, *Country Reports- 2004: Bhutan*, Section 6d.
[462] Doma is a mixture of doma or areca nut, pani or betel leaf, with a dash of lime (calcium carbonate). It is ubiquitous in Bhutan, although its use appears to be on the decline among the younger generation. See http://www.raonline.ch/pages/bt/visin2/bt_doma01.html.
[463] UNICEF, *Report on Assessment of Protection Factors of Children in Bhutan*, Ministry of Health, Thimphu, 2004.
[464] Interview with Dr. Rinchen Chophel, Executive Director, National Commission of Women and Children, by EnCompass LLC, for the U.S. Department of Labor, on April 11, 2005, Bhutan Country File Section III, 19.
[465] UNICEF, *Report of Assessment of Protection*.
[466] U.S. Department of State, *Country Reports- 2004: Bhutan*, Section 5.
[467] Royal Government of Bhutan, *Bhutan National Human Development Report - 2000*, The Planning Commission Secretariat, Thimphu, 2000.
[468] Interview with Ms. Yandey Penjor, Director; and Ms. Dorji Ohm, Project Co-ordinator; Youth Development Fund, Thimphu, on April 4, 2005, and Mr. Bap Kuenga, Vice President Bhutan Chamber of Commerce and Industries, on April 5, 2005, by EnCompass LLC for U.S. Department of Labor, Bhutan Country File, Section III, 3 and 8.

secondary education.[469] In 2004, Bhutan had a gross primary enrollment rate of 84.2 percent.[470] While the primary school enrollment is increasing more rapidly for girls than boys,[471] the gross enrollment rate was still significantly higher for boys (82.1 percent) than girls (61.5 percent).[472] The net primary enrollment rate was 52.9 percent in 1998, with 58.4 percent for boys and 47.2 percent for girls[473] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2004, the completion rate for primary education, 7 years of schooling, was 86 percent for girls and 73 percent for boys.[474] In 2000, 91 percent of children enrolled in primary school reached grade 5.[475] The education system suffers from lack of teachers and classrooms.[476] However, the government is focusing on education and teacher training in the formal and non-traditional sectors.[477]

Child Labor Laws and Enforcement

The Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation Act (1994) prohibits the employment of children and states that candidates seeking employment shall have attained the age of majority, 18 years, to be eligible for appointment to any post in a business establishment.[478] The Government of Bhutan is in the process of reforming its labor laws to include prohibitions against the worst forms of

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[469] Interview with Mr. Jambey Wangchuk, Deputy Secretary, Policy and Planning Division, Ministry of Education, on April 1, 2005, by EnCompass LLC for the U.S. Department of Labor, Bhutan Country File, Section III, 17.

[470] Ministry of Education, *General Statistics 2004* Policy and Planning Division, Thimphu, Bhutan, 2004, 7.

[471] General Statistics, 2004, 10. In 2004, 48.4 percent of the student population consisted of girls. See also Royal Government of Bhutan, *Bhutan National Human Development Report- 2000*, The Planning Commission Secretariat, 2000; available from http://www.dop.gov.bt/rep/nhdr2000.pdf.

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

[473] Ibid.

[474] U.S. Department of State, *Country Reports- 2004: Bhutan*.

[475] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (School life expectancy, % of repeaters, survival rates; accessed December 2005). This percentage may hide the fact that many children promoted to grade 5 may combine school and work. In addition, little is known in regard to Bhutanese standards for promoting children through primary school.

[476] UNICEF, *Committed Partner in Progress,* [online] [cited May 20, 2004]; available from http://www.unicef.org/bhutan/unicefbh.htm. See also UNICEF Australia, *Perspectives on Development: Bhutanese Schools and How Can We Help?* [online] [cited May 20, 2004]; available from http://www.unicef.org.au/whatWeDoPerspective3.asp. See also Royal Government of Bhutan, *Bhutan National Human Development Report- 2000*, 22.

[477] UNESCO, *Education for All*. Part II, para 14, table 23. See also UNICEF, *Full-Scale Evaluation of Non-Formal Education in Bhutan*, Thimphu, 1999.

[478] United Nations, *Initial Reports of State Parties due in 1992: Bhutan*, October, 14 1999, UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Bhutan*, CRC/C/3/Add.60, prepared by Government of Bhutan, pursuant to Article 44 of the Convention on the Rights of the Child, October 1999. See also Royal Government of Bhutan, *Rules and Regulations on Employment of Bhutanese Nationals in the Private Sector*, Thimphu, December 26, 1997.

child labor.[479] Children are permitted to enlist in the armed forces, however, at 15 years of age.[480]

Forced or compulsory labor is prohibited by Bhutanese law.[481] In 2004, the National Assembly passed the Bhutan Penal Code, which criminalizes sex crimes and offenses against children.[482] According to the Penal Code of Bhutan, trafficking of children is a felony of the third degree[483] with a minimum penalty of three years;[484] prostitution is a felony with penalties varying according to the age of the child: a felony of the first degree for a child under 12 with the penalty being 15 year to life in prison.[485] The Ministry of Labor, created in 2003, is responsible for analyzing the country's labor situation and providing vocational training. The ministry conducts 10 to 15 inspections per week, most of which are in the construction sector where most imported child labor is found.[486]

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

In August 2004, the National Assembly ratified the South Asian Association for Regional Cooperation Convention (SAARC) on Preventing and Combating Trafficking in Women and Children for Prostitution.[487] The government is working with the UNDP to improve policies that address the needs of the country's poor and impoverished.[488] The Youth Development Fund established by King Jigme Singye Wangchuck in 1998 provides assistance for new youth activities and programming.[489]

UNICEF is working with the government to improve the country's education system, with special emphasis on women, children, and disadvantaged students. Efforts are focused on improving primary, non-formal, and special education, as well as providing teacher training and essential school supplies.[490] The World Bank financed an education

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[479] Ugyen Doma, email communication to USDOL official, November 28, 2005. See also *Labour and Employment Act of the Kindgdom of Bhutan*, (2005 draft), paras. 5 and 90.
[480] See UN Committee on the Rights of the Child, *Summary Record of the 715th Meeting: Bhutan*, United Nations, Geneva, June 2001.
[481] U.S. Department of State, *Country Reports- 2004: Bhutan*, Section 6c.
[482] U.S. Embassy- New Delhi, *reporting*, September 17, 2004.
[483] Royal Government of Bhutan, *Penal Code of Bhutan*, 2001, para. 227-228.
[484] Ibid., para. 3(a).
[485] Ibid., para. 380.
[486] U.S. Embassy- New Delhi, *reporting*, September 17, 2004.
[487] Ibid.
[488] UNDP, *Developing Bhutan's poverty monitoring system,* UNDP Bhutan, [online] October 2002 [cited May 21, 2004]; available from http://www.undp.org.bt/fact_sheets/povertyFS.PDF.
[489] Government of Bhutan, *The Youth Development Fund,* [online] 2004 [cited May 21, 2004]; available from http://www.youthdevfund.gov.bt/. See also U.S. Department of State, *Country Reports- 2004: Bhutan*. See also UN Committee on the Rights of the Child, *Summary Record: Bhutan*, para. 8. See also Kuensel Newspaper, "Sports: promoting wholesale education," (Thimpu), January 13, 2001; available from http://www.bootan.com/kuensel/20010113/sports.htm.
[490] UNICEF, *Second Chance at Literacy,* UNICEF in Bhutan, [online] [cited May 21, 2004]; available from http://www.unicef.org/bhutan/educat.htm. In addition, the Education Department is launching an "inclusive education" program that will integrate students with disabilities into regular schools by renovating one school in each of the 20 school districts to provide basic facilities for disabled students and

program with an emphasis on strengthening basic education in rural areas through June 2004. The Ministry of Health and Education implemented the project, which is designed to construct new schools, upgrade existing facilities, expand and improve teacher education, revise curriculum and examinations, and introduce decentralized school monitoring and evaluation through the training of central staff and head-teachers.[491] The World Bank is supporting another project to improve access to primary and secondary education, by financing the capital costs of schools, and improving the quality and relevance of education at all levels. The project is scheduled to run through 2009.[492] The Asian Development Bank and the Government of Germany are financing a USD 12.5 million skills training project, targeting unemployed youth in rural areas, with an emphasis on women and economically disadvantaged. The Government of Bhutan's National Technical Training Authority serves as executing agency for the project, and the Government of Bhutan will contribute approximately USD 3 million to this project.[493]

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training for teachers. See UNICEF, *Disabled Children Join Mainstream,* UNICEF in Bhutan, [online] [cited May 21, 2004]; available from http://www.unicef.org/bhutan/disable.htm.

[491] World Bank, *Bhutan- Second Education Project,* [online] May 20, 2004 [cited May 20, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK40941&menuPK=228424&Projectid=P009574.

[492] World Bank, *Education Development Project,* May 20, 2004 [cited May 20, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK40941&menuPK=228424&Projectid=P074114.

[493] ADB, *Reforming Skills Training in Bhutan to Boost Growing Private Sector,* ADB.org, [online] 2004 [cited October 25, 2004]; available from http://www.adb.org/Documents/News/2001/pi2001064.asp. See also cADB, *Reforming Skills Training in Bhutan To Boost Growing Private Sector,* [online] 2001 [cited May 21, 2004]; available from http://www.adb.org/Documents/News/2001/nr2001064.asp.

Bolivia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/1997	
Ratified Convention 182	6/6/2003	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 23.7 percent of children ages 5 to 14 years were counted as working in Bolivia in 2000. Approximately 25.5 percent of all boys 5 to 14 were working compared to 21.8 percent of girls in the same age group.[494] Children work in agriculture, including in the production of sugar cane and Brazil nuts.[495] Children also engage in activities such as begging, street vending, shining shoes, and assisting transport operators.[496] Children work in industry, construction, small business, hotels and restaurants, and small-scale mining.[497] Children have been used to traffic drugs.[498] Some children are brought or sent by their parents from rural to urban areas to work as domestic servants for higher-income families, often in situations that amount to indentured servitude.[499] Child labor is one of many problems associated with poverty. In 1999, the most recent year for which data are available, 14.4 percent of the population in Bolivia were living on less than USD 1 a day.[500]

The commercial sexual exploitation of children, including child prostitution, is a problem in Bolivia.[501] Trafficking of children internally from rural to urban areas for commercial

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[494] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[495] Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, National Institute of Statistics and UNICEF, La Paz, 2004, 31. See also UNICEF, *Caña dulce, vida amarga: El trabajo de los niños, niñas y adolescentes en la zafra de caña de azúcar*, 2004, 1. See also U.S. Embassy- La Paz, *reporting*, August 30, 2005.

[496] U.S. Embassy- La Paz, *reporting,* August 30, 2005.

[497] Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, 31-32. See also Noel Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa de medio término, informe preliminar*, May 2005, 11. See also ILO-IPEC, *Phase II: Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America*, project document, RLA/02/P50/USA, Geneva, September 3, 2002, 6-7.

[498] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bolivia*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41750.htm.

[499] Ibid. See also Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres, adolescentes y niños/as en Bolivia*, IOM, OAS, and Scientific Consulting SRL, La Paz, 2004, 10 and 51.

[500] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[501] UNICEF, *La niñez arrebatada: La explotación sexual comercial de niñas, niños y adolescentes en Bolivia*, 2004, 11. See also U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 6d.

sexual exploitation occurs.[502] Children are also trafficked to work in sugar cane production in Santa Cruz and Tarija.[503] There have also been reports of children trafficked to work in small scale mines.[504] A 2004 study sponsored by IOM and the OAS found that there were girls from Argentina, Paraguay, Brazil, Chile, and Colombia working as prostitutes in urban centers in Bolivia.[505] Children are also trafficked from Bolivia to Argentina, Brazil, Chile, Japan, Spain, and the United States for the purpose of forced labor and commercial sexual exploitation.[506]

The Constitution of Bolivia provides for free public education, and primary school, which covers ages 6 to 13, is compulsory.[507] In 2002, the gross primary enrollment rate was 115 percent and the net primary enrollment rate was 95 percent.[508] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 89.5 percent of children ages 5 to 14 years were attending school.[509] As of 2002, 81 percent of children who started primary school were likely to reach grade 5.[510]

The U.S. Department of State reports that enforcement of and compliance with educational requirements are generally weak.[511] An ILO-IPEC rapid assessment of child work in the sugar cane harvest found that 90 percent of children working in sugar cane in the Tarija region did not attend school.[512]

Child Labor Laws and Enforcement

The Child and Adolescent Code and the Labor Code set the minimum age for employment at 14 years, except in the case of apprenticeships.[513] The ILO Committee of

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[502] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.
[503] Ibid. See also Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres*, 51-52.
[504] U.S. Department of State, *Trafficking in Persons Report*.
[505] Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres*, 47.
[506] U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.
[507] Government of Bolivia, *Constitución Política del Estado*, Ley 1615, (February 6, 1995), Article 177; available from http://www.geocities.com/bolilaw/legisla.htm. See also IDB, *Education Reform Program: Second Stage*, n.d.; available from http://www.iadb.org/exr/doc98/apr/bo1126e.pdf.
[508] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[509] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[510] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[511] U.S. Embassy La Paz, *reporting*, September 30, 2004.
[512] Tarija is one of the major sugar cane growing areas in Bolivia. See ILO-IPEC, *Bolivia, Trabajo infantil en la zafra de la caña de azúcar: Una evaluación rápida*, Lima, 2002, 17; available from http://www.oit.org.pe/ipec/doc/estudios/OIT.pdf.
[513] Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, (October 27, 1999), Article 126; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/68387/S99BOL01.htm. See also Government of

Experts on the Application of Conventions and Recommendations has noted that Bolivian law does not provide a minimum age for apprenticeships.[514] Children 14 to 18 years must have the permission of their parents or of the government authorities in order to work.[515] The Child and Adolescent Code prohibits children ages 14 to 17 years from taking part in hazardous activities such as carrying excessively heavy loads, underground work, work with pesticides and other chemicals, or work at night. The code also requires employers to grant adolescent workers time off to attend school during normal school hours.[516] The law prohibits forced or compulsory labor;[517] the Constitution specifically prohibits any kind of labor without consent and just compensation.[518] Bolivian men who have reached the age of 18 are required to perform military service for 1 year. The law allows children ages 15 and older to volunteer for certain military activities if they have completed 3 years of secondary education.[519]

The Government of Bolivia has several laws that regulate the worst forms of child labor. The Penal Code prohibits the prostitution of minors and calls for penalties of 4 to 8 years of imprisonment if the victim is 14 to 17 years of age, and 5 to 10 years of imprisonment if the victim is less than 14. The code also prohibits trafficking for prostitution and establishes the penalties of 5 to 10 years of imprisonment if the victim is 14 to 17 years of age, and 6 to 12 years if the victim is under 14.[520] In July, the Bolivian Congress approved legislation strengthening the Penal Code's trafficking provisions, and at the end of the year, the Vice Ministry of Justice was drafting additional trafficking legislation.[521] Since 1999, the Government of Bolivia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[522]

The Ministry of Labor is responsible for enforcing child labor provisions. The ministry has 15 labor inspectors working throughout the country. Questions regarding child labor have been incorporated into the inspection checklists they use. Municipal Defender of Children and Adolescents offices, the Public Ministry, and the police also work to protect

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Bolivia, *Ley General de Trabajo*, (December 8, 1942), Article 58; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/46218/65057/S92BOL01.htm#t4c6.

[514] CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Bolivia (ratification: 1997)*, Geneva, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.

[515] *Ley General de Trabajo*, Article 8.

[516] *Ley del Código del Niño*, 134, 146, 147.

[517] U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 6c.

[518] See also *Constitución Política del Estado*, Article 5.

[519] Coalition to Stop the Use of Child Soldiers, "Bolivia," in *Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=811.

[520] Government of Bolivia, *Ley de Protección a las Victimas de Delitos contra la Libertad Sexual*, 2033, (October 29, 1999), Article 321 and 321 bis; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/59479/68751/S99BOL02.htm. The *Ley de Protección* amended the Penal Code.

[521] U.S. Department of State, *reporting*, Washington, DC, September 2, 2005. See also U.S. Department of State official, interview with USDOL official, September 12, 2005.

[522] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

children's rights.[523] Childhood and Adolescence Courts are empowered to resolve issues involving children and apply sanctions for violations of the law.[524] The U.S. Department of State reports, however, that child labor and related laws such as the Child and Adolescent Code are not effectively enforced due to resource constraints.[525] The government has established special anti-trafficking police and prosecutor units in the major cities of La Paz, Santa Cruz, and Cochabamba, and six individuals were arrested between April and September on charges related to trafficking and commercial sexual exploitation of minors.[526]

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

The Government of Bolivia's policy framework to address child labor is the National Plan for the Progressive Eradication of Child Labor 2000-2010.[527] Due to the challenges in implementing a long-term plan, a 3-year subplan to combat child labor was adopted during 2005.[528] The Interinstitutional Commission for the Eradication of Child Labor is responsible for implementing these plans.[529] In addition, subcommissions on commercial sexual exploitation of children and child labor in mining, sugar cane, and urban areas have been established and had annual operating plans for 2005.[530] The U.S. Department of State reports, however, that the unstable political environment in the country and lack of continuity in the leadership of the Interinstitutional Commission has hampered its work, and an independent evaluation found that financing for implementation of the National Plan has been lacking.[531]

The government has engaged in a public information campaign against child prostitution and some educational efforts to combat trafficking.[532] The Vice Ministry of Youth, Childhood and Senior Citizens implements a Plan for the Prevention of and Attention to Commercial Sexual Exploitation, with a focus on efforts in the country's largest cities.[533]

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[523] U.S. Embassy- La Paz, *reporting,* August 30, 2005, 1-2. See also Rodolfo Erostegui, interview, with USDOL official, September 13, 2005.
[524] Government of Bolivia, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, August 31, 2005.
[525] U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5 and 6d.
[526] U.S. Department of State, *reporting,* September 2, 2005.
[527] Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación Progresiva del Trabajo Infantil: 2000-2010*, Ministry of Labor, La Paz, November 2000, 35, 55.
[528] CARE, *Combating Child Labor through Education: Technical Progress Report*, September 15, 2005, 3. See also Care official, email communication to USDOL official, December 14, 2005.
[529] Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 35, 55.
[530] ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, technical progress report, March 20, 2005, 3.
[531] U.S. Embassy La Paz, *reporting, September 30, 2004*, 1. See also U.S. Embassy- La Paz, *reporting, August 30, 2005*, 2-3. See also Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa*, 36.
[532] U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5. See also U.S. Department of State, *reporting, September 2, 2005*, 2.
[533] Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa*, 22, 31.

Also, during the year, the government established a National Commission against Trafficking to develop a plan to combat trafficking.[534]

The government participated in a USD 1.6 million regional ILO-IPEC project to eliminate child labor in small-scale mining in the Andean region, which ended in February 2005,[535] and continued to participate in a USD 1.5 million 4-year project to improve access to and quality of basic education for children engaged in mining in Bolivia.[536] UNICEF and ILO-IPEC are also working with the government to implement an approximately USD 115,000 project to combat child labor in sugar cane in Tarija and Santa Cruz.[537] The Ministry of Education supports mobile schools to provide education to children involved in the project.[538] The government is also developing a database to better understand the situation of working children; by the end of 2005, the database included only information on children working in sugar cane.[539]

The Government of Bolivia is working with UNICEF to provide free birth registration and identity documentation to citizens, in order to facilitate their access to social services such as education and reduce their vulnerability to trafficking.[540]

The Ministry of Education's Vice Ministry of Alternative Education provides night classes that are accessible to working children and adolescents.[541] The Government of Bolivia, with USD 36 million in assistance from the IDB, continued to implement its educational reform program during 2005, which aims to promote local-level participation in education, among other goals.[542] Also during the year, the government received World Bank support for a USD 100 million Education Quality and Equity Strengthening Project that aimed to improve infrastructure and educational processes as well as increase public participation in the country's education reform, among other goals. The government also

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[534] Vice Ministry of Youth, Childhood, and Senior Citizens, interview, with USDOL official, September 13, 2005. See also U.S. Department of State, *reporting,* September 2, 2005, 2.
[535] The project included Bolivia, Ecuador and Peru. Phase I of this project began in 2000. See ILO-IPEC, *Phase I: Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, (ILO) LAR/00/05/050, Geneva, April 1, 2000. See also ILO-IPEC, *Phase II: Prevention of Child Labor in Gold Mining, project document*. See also ILO-IPEC, *USDOL-funded ILO Project: Project Revision Form*, April 1, 2004.
[536] See also CARE, *Combating Child Labor in Bolivia Through Education*, project document, 2002.
[537] U.S. Embassy- La Paz, *reporting,* August 30, 2005, 2.
[538] Ministry of Education official, interview, with USDOL official, September 13, 2005.
[539] Government of Bolivia, *Written communication*. See also Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: evaluación externa*, 13-15.
[540] U.S. Department of State, *Country Reports- 2004: Bolivia*, Section 5.
[541] Ministerio de Educación Cultura y Deportes and Viceministerio de Educación Alternativa, *Curriculum Para La Escuela Nocturna: Proyecto de Transformación Curricular para niños/as adolescentes y jóvenes trabajadores y de la calle de la Escuela Nocturna*, La Paz, 2000.
[542] IDB, *Education Reform Program: Second Stage*.

received World Bank support through a Social Sector Programmatic Development Policy Credit that includes approximately USD 3.75 million in funding for education.[543]

[543] World Bank, http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P006204 (Education Quality and Equity Strengthening Project, accessed October 26, 2005). See also World Bank, http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P091365 (Social Sector Programmatic Development Policy Credit II (SSPC II) accessed October 26, 2005).

Bosnia and Herzegovina

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/2/1993	
Ratified Convention 182	10/5/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 17.5 percent of children ages 5 to 14 years were counted as working in Bosnia and Herzegovina in 2000. Approximately 19.3 percent of all boys 5 to 14 were working compared to 15.7 percent of girls in the same age group.[544] Children occasionally assist their families with farm work and various jobs, and some beg on the streets, especially in larger cities.[545] A UNICEF survey published in 2002 found that less than 1 percent of children between ages 5 and 14 participated in paid work, about 6 percent of children did unpaid work for someone who was not a family member, and 15.1 percent of children worked on the family farm or in the family business.[546] Such surveys may not capture children working in the worst forms of child labor. A significant number of children, especially Roma, live or work on the streets, often being compelled or forced to do harmful and exploitative work. The majority of these children are under 14; most of the children do not attend schools.[547]

The prostitution and trafficking of girls to, from, and within the country continues to be a problem. The country was a destination and transit point for girls and some teenage boys trafficked for sexual exploitation.[548] It was also a country of origin, though to a lesser

[544] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the section in the front of the report titled "Data Sources."

[545] Romani children in particular rely on begging for subsistence. The Roma population in Bosnia and Herzegovina, estimated to be between 40,000 and 80,000, are an ethnic minority who face discrimination and lack access to social support. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bosnia and Herzegovina*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41673.htm.

[546] Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia and Herzegovina 2000: A Multiple Indicator Cluster Survey: B&H MICS 2000*, UNICEF, May 29, 2002; available from http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf., pp. 12, 54, 112. The definitions of child work used in this survey differ from those used in the UCW analysis presented in the first sentence. Please see the "Data Sources" section for more information on the definition of working children.

[547] United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child, Bosnia and Herzegovina*, CRC/C/15/Add.260, March 6, 2005; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/dd9baddc520d9878c1257018002db47e?Opendocument.

[548] U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*. Section 5.

extent.[549] Trafficked women and children most commonly come from Moldova, Ukraine, Russia, Romania and, increasingly, Serbia and Montenegro. They are often transit en route to Slovenia, Croatia, and Western Europe.[550] Many are trafficked throughout the former Yugoslav republics and back again in a seasonal pattern.[551]

Education is free and compulsory until age 15.[552] The right to education is guaranteed by the constitutions of the country's two political entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).[553] Each entity established compulsory education requirements in its own specific laws.[554] Gross and net enrollment statistics are not available for Bosnia and Herzegovina.[555] In 2000, 76.3 percent of children ages 5 to 14 years were attending school.[556] Access to education remains especially limited for Roma children who frequently face hostile learning environments due to verbal harassment from other students, language barriers, segregated classrooms, and the inability to pay for the costs associated with schooling.[557] Though international efforts have been made to remove discriminatory material from textbooks, abolish school segregation, and enact other reforms, these efforts often are obstructed by government officials and nationalist politics.[558]

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[549] Ibid., Section 5.
[550] U.S. Department of State, *Trafficking in Persons Report- 2005: Bosnia and Herzegovina*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also U.S. Embassy- Sarajevo, *reporting*, September 20, 2004.,Section B under "Overview."
[551] U.S. Department of State, *Trafficking in Persons Report- 2005: Bosnia and Herzegovina*.
[552] U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*., Section 5. See also *Constitution of the Federation of Bosnia and Herzegovina*, (May 8, 1997), Section II(A), Article II(3)(l); available from http://www.ohr.int/const/bih-fed/default.asp?content_id=5907. See also *Statute of the Brcko District of Bosnia and Herzegovina*, (2000), Article 16; available from http://www.ohr.int/ohr-dept/legal/const/doc/brcko-statute.doc.
[553] The 1995 Dayton Accords (formally known as the General Framework Agreement for Peace [GFAP]) established two distinct entities within Bosnia and Herzegovina (BiH): the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). See U.S. Department of State, *Background Note: Bosnia and Herzegovina,* [online] August 2005 [cited September 28, 2005]; available from http://www.state.gov/r/pa/ei/bgn/2868.htm.
[554] Article 2(3)(l) of the Constitution of Bosnia and Herzegovina establishes the right to education for all persons, but compulsory education laws and curricula are established separately by each entity. The GFAP Annex 4 Article III lists the responsibilities of the institutions of BiH and the entities. GFAP Annex 4 Article III 3(a) states that "all government functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entity." Consequently, the entities, not the state-level government, are responsible for such matters as education, health, and intra-entity law enforcement. In the FBiH, each of the 10 cantons also is responsible for health and education. See Ibid. See also *The General Framework Agreement: Annex 4: Constitution of Bosnia and Herzegovina*, (December 14, 1995), Article 3; available from http://www.ohr.int/dpa/default.asp?content_id=372.
[555] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[556] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[557] *Ibid.,* Section 5.
[558] U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 5.

Child Labor Laws and Enforcement

In both FBiH and RS, the Labor Law sets the minimum age for employment at 15 years, and minors ages 15 to 18 must provide a valid health certificate in order to work.[559] Both entities prohibit children from performing hazardous and overtime work.[560] The law also prohibits minors from working jobs that could have harmful effects on their health, life or psycho-physical development.[561] Night work by minors is banned, although temporary exemptions may be granted by the labor inspectorate in cases of machine breakdowns, *force majeure*, and threats to the country's two political entities.[562] In FBiH, an employer found in violation of the above prohibitions must pay a fine ranging from 2,000 to 14,000 convertible marks (USD 1,224 to 8,568).[563] In the RS, fines range from 1,000 to 15,000 convertible marks (USD 612 to 9,178).[564] The minimum age for compulsory military service in FBiH is 18; it is 16 years of age in times of war. In RS, the minimum age for compulsory military service is 18. For voluntary military service in both entities, 17 is the minimum age.[565]

Although there is no law specifically prohibiting the worst forms of child labor in Bosnia and Herzegovina, the government has been working to combat child trafficking. Neither FBiH nor RS has developed a list of the worst forms of child labor, but both entities follow the articles of the UN Convention on the Rights of the Child and the relevant labor laws in each sub-entity.[566] The government does not keep statistics on child labor violations, nor are there separate child labor inspectors. Rather, violations of child labor laws are investigated as part of a general labor inspection. According to both entities' labor inspectorates, no significant violations of child labor laws have been found in the workplace; however, they did not conduct any reviews of children working on family farms.[567]

The Criminal Code of Bosnia and Herzegovina criminalizes trafficking in persons. The State Prosecutor's Office has sole jurisdiction over all trafficking cases and has the authority to decide which cases to prosecute at the state level or to send to the entity

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[559] *The Labour Law (FBiH)*, Issue No. 43, (October 28, 1999), Article 15., Article 15, as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 12.Article 12. See also *The Labor Law (RS)*, (November 8, 2000), Article 14.

[560] *The Labour Law (FBiH)*, Articles 15, 32, and 51.Articles 15, 32 and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

[561] *The Labour Law (FBiH)*., Articles 15, 51. See also *The Labor Law (RS)*, Article 69.

[562] The Labor Law of the BiH Federation refers to protections of the interests of the Federation, while the Labor Law of the RS refers to protection of the interests of the Republic. See *The Labour Law (FBiH)*, Article 36., Article 36. See also *The Labor Law (RS)*, Article 46.

[563] As of June 20, 1 USD = 1.62 convertible marks (BAM). See *The Labour Law (FBiH)*., Article 140, as revised by *FBiH Law on Amendments to the Labor Law*., Article 49. For currency conversions, see http://www.xe.com/ucc/convert.cgi.

[564] *The Labor Law (RS)*, Article 150.

[565] U.S. Central Intelligence Agency, *The World Factbook: Military Manpower, Military Age and Obligation,* CIA, [online] August 30, 2005 [cited September 25, 2005]; available from http://www.cia.gov/cia/publications/factbook/fields/2024.html.

[566] U.S. Embassy- Sarajevo, *reporting, September 20, 2004*. Section K under "Investigation and Prosecution of Traffickers."

[567] U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 6d., Section 6d.

levels.[568] Under the Criminal Codes of the two entities and the Brcko District, procuring a juvenile or seeking opportunity for illicit sexual relations with a juvenile is specifically prohibited.[569] In FBiH, persons caught recruiting or luring juvenile females into prostitution face imprisonment of between 1 and 10 years, while having sexual intercourse with a child under the age of 14 is punishable by imprisonment of between 6 months and 5 years.[570] In the RS, the punishment for persons convicted of rape or having sexual intercourse with a child is 1 to 15 years of imprisonment.[571] Under the RS Criminal Code, imprisonment of 1 to 12 years is authorized for individuals who, for profit, compel or lure persons under the age of 21 into offering sexual services, including by threat or use of force or by abusing the situation originating from the persons' stay in another country.[572]

The Government of Bosnia and Herzegovina continued steady application of its anti-trafficking statute in 2004, the most recent date for which such information is available. Of 47 cases investigated and submitted to prosecutors, the courts handed down a total of 18 verdicts, 12 of which resulted in convictions.[573] The length of sentences imposed by the courts improved somewhat, but many continued to be one year or less.[574] However, according to the U.S. Department of State, corruption among government officials has made it difficult to combat trafficking.[575]

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

Recent state-level efforts have been made to address education and child rights, including the 2003 Framework Law on Primary and Secondary Education, and the Action Plan for Children 2002-2010.[576] Additionally, the government's 13 Ministries of Education developed an Action Plan in 2004 to address the participation of Romani children in education, though the plan has yet to be implemented.[577] In July 2005, the government addressed the inclusion of Roma in Bosnian society by adopting a National Roma Strategy. One component of the strategy is to prevent child begging and to enhance school enrollment.[578]

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[568] Ibid., Section 5.
[569] *Statute of the Brcko District*., Article 209. See also *Criminal Code of the Federation of Bosnia and Herzegovina*, (November 20, 1998); available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5130., Articles 224, 228. See also *Criminal Code of the Republika Srpska*, (July 31, 2000); available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129. Article 185.
[570] *Criminal Code (FBiH)*. Articles 224, 229.
[571] *Criminal Code (RS)*. Article 185.
[572] Ibid., Article 188.
[573] U.S. Department of State, *Trafficking in Persons Report- 2005: Bosnia and Herzegovina*.
[574] Ibid.
[575] Ibid.
[576] United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child*. Section 3.
[577] U.S. Embassy - Sarajevo, *reporting*, August 2005. Section 2.
[578] Ibid., Section 2.

However, there are concerns about implementation constraints caused by a lack of financial resources, lack of political will, political divisions and the fragmentation of government policies.[579] Implementation of the Action Plan for Children, for example, suffers from technical and authority constraints.[580] The Committee on the Rights of the Child recommended the government undertake a national survey of the number of children who work and who live in the streets in order to design policies to prevent their exploitation. It also recommended that street children be provided with adequate nutrition and housing, as well as opportunities in health care and education, including vocational and life-skills training.[581]

A regional program also has been under way since February 2003 to combat worst forms of child labor in Bosnia and Herzegovina and other nearby countries.[582] Titled "Combating Child Labor in the Stability Pact Countries," the ILO-IPEC program is scheduled for completion in January 2007.[583]

The National Anti-Trafficking Coordinator has a mandate to coordinate victim protection efforts among NGOs, police, and government institutions, as well as law enforcement initiatives.[584] The government is collaborating with IOM and UNICEF to implement anti-trafficking assistance and prevention programs within the country.[585] The IOM, in cooperation with government authorities, the United Nations and NGOs, is operating a project to protect and assist trafficking victims by providing them with transportation, housing, and financial assistance. The project targets women and girls working in the commercial sex industry.[586] The IOM also trains government officials in counter-trafficking methods, law enforcement, and the proper treatment of victims.[587] In July 2005, the Bosnian government, along with local NGOs, adopted a referral system that links trafficking victims with available shelter services and legal assistance.[588] In its project on protection from extreme forms of violence, UNICEF is working with various international, private-sector and government bodies to protect children at risk of being trafficked or who are trafficking victims.[589] The government in 2005 also provided funding for six NGO-operated shelters throughout FBiH. However, the government did not implement a systematic screening system, allowing some subjects of trafficking to be

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[579] United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child*. Sections 10, 12, 16.
[580] Ibid., Section 11.
[581] Ibid., Section 66.
[582] ILO-IPEC official, email communication to USDOL official, November 8, 2005.
[583] Ibid.
[584] U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 5.
[585] IOM, *Shelter and Return of Trafficked Girls and Women in BiH,* [online] [cited October 20, 2005]; available from http://www.iom.ba/Programs/OnGoing/trafficking.htm.
[586] Ibid. See also Human Rights Watch, *HOPES BETRAYED: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Washington, D.C., November 2002, 4; available from http://www.hrw.org/reports/2002/bosnia.
[587] IOM, *Service Areas: Counter Trafficking,* [online] 2005 [cited October 20, 2005]; available from http://www.iom.ba.
[588] Sarajevo, *reporting, August 2005*. Section 3.
[589] UNICEF, *FACTSHEET: TRAFFICKING The facts,* [online] [cited October 20, 2005]; available from http://www.unicef.org/protection/trafficking.pdf.

denied proper protections and become subject to potential deportation. Deportation orders were rarely enforced in practice.[590]

The government is attempting to raise public awareness about trafficking. Working with NGOs and international organizations, the government aired public service announcements, sponsored talk shows on trafficking, and conducted educational campaigns targeting potential victims and school children.[591]

In January 2005, the State Border Service provided a 24-hour hotline for anonymous members of the public to report crime and unprofessional behavior by border agents.[592]

There were no social programs in Bosnia and Herzegovina to prevent the engagement of children in exploitative child labor.[593] The Action Plan for Children addresses discrimination in education against Roma children, but there is still concern about school drop-out rates, inadequate teaching staff and facility space.[594]

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[590] Ibid.
[591] Ibid.
[592] Ibid.
[593] U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*., Section 6d.
[594] United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child*, Section 56.

Botswana

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	06/05/1997	
Ratified Convention 182	01/03/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Botswana are unavailable.[595] In remote areas, young children work as cattle tenders, domestic workers, and childcare providers.[596] Many are also employed in agriculture, predominately subsistence farming, and family businesses.[597] Some children in urban areas who are orphaned by HIV/AIDS are exploited in prostitution.[598] In the past year, children were reportedly trafficked to work as maids or cattle herders.[599] According to NGOs, Botswana is both a country of origin and a country of transit for children trafficked into South Africa for exploitative child labor.[600]

Primary education is free for the first 10 years of schooling, but is not compulsory.[601] In 2002, the gross primary enrollment rate was 103 percent, and the net primary enrollment rate was 81 percent.[602] Gross and net enrollment ratios are based on the number of

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[595] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[596] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Botswana*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41589.htm. The Minister of Labor reported to Parliament in March 2004 that there were an estimated 8,500 children between the ages of 12-17 working in traditional or subsistence agriculture or other informal sectors. See U.S. Embassy- Gaborone, *reporting*, September 2, 2004, para 2.

[597] Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Dawie Bosch and Associates, Pretoria, August, 2003, 10.

[598] U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5. According to Botswana's 2001 Population and Housing Census, there are 111,828 children in Botswana who had lost one or both of their parents. See U.S. Embassy- Gaborone official, email communication to USDOL official, May 26, 2005.

[599] U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5.

[600] International Organization for Migration, *The Trafficking of Women and Children in the Southern African Region*, Pretoria, March 24, 2003, 11; available from http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf. See also ECPAT International, *Botswana,* [online] 2005 [cited June 16, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[601] U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5. See also U.S. Embassy- Gaborone, *reporting*, September 28, 2001.

[602] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Rations, Primary; accessed December 2005). For an explanation of gross

students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Botswana. As of 2001, 86 percent of children who started primary school were likely to reach grade 5.[603] In Botswana's education system, girls and boys have equal access to education. Girls, however, are likely to drop out of secondary school due to pregnancy.[604]

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for basic employment at 14 years, and for hazardous work, at 18 years.[605] Under the law, children who have attained the age of 14 years and are not attending school may be employed in light work not harmful to their health and development by family members or as approved by the Commissioner of Labor.[606] Children and young persons may not be employed in underground work, night work, or in any work that is harmful to their health and development.[607] Without the express permission of the Commissioner of Labor, children may not work more than 3 consecutive hours and young persons more than 4 in industrial undertakings.[608] Children and young persons are also prohibited from working on rest days and public holidays.[609] The Employment Act prohibits forced labor, although it does not specifically mention children.[610] Child prostitution and pornography are criminal offenses and "defilement" of persons less than 16 years of age is punishable by a 10-year minimum prison sentence.[611] The law specifically protects adopted children from being exploited for labor and orphans from being coerced in prostitution.[612] Military service is on a voluntary basis and recruits who appear to be under the age of 18 may not be enlisted.[613]

The Department of Labor is tasked with investigating workplaces that are suspected of violating child labor laws.[614] The Employment Act authorizes the Commissioner of

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primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[603] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[604] Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Page 7.

[605] U.S. Embassy- Gaborone, *reporting, September 28, 2001*.

[606] The Government of Botswana, Employment Act, in NATLEX, [cited June 17, 2005], Para 107; available from http://natlex.ilo.org/txt/E82BWA01.htm#p6.

[607] Ibid., Paras 108 and 110. "Young persons" are those who are 15 to 17 years old. See Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Page 5.

[608] The Government of Botswana, *Employment Act*, Para 111.

[609] Ibid., para 107. However, there is still no definition for "light work". See U.S. Embassy- Gaborone, *reporting, September 2, 2004*, para 2.

[610] The Government of Botswana, *Employment Act*, Part VI.

[611] U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5. Legislation against "defilement" prohibits prostitution and pornography. See also Interpol, *Legislation of Interpol member states on sexual offences against children: Botswana,* [database online] 2005 [cited June 17, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBotswana.asp.

[612] U.S. Department of State, *Country Reports- 2004: Botswana*, Section 6d.

[613] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- 2004: Botswana*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=759.

[614] U.S. Embassy- Gaborone, *reporting*, August 18, 2005, para 5.

Labor to terminate the unlawful employment of children.[615] The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws.[616] The maximum penalty for illegally employing a child is imprisonment for up to 12 months, a fine of 1500 Pula (USD 274), or a combination of the two.[617]

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

The Government of Botswana is working with ILO-IPEC to implement a USDOL-funded, regional child labor project in Southern Africa. Activities in Botswana include research on the nature and incidence of exploitative child labor and efforts to build the capacity of the government to address child labor issues.[618] The American Institutes for Research, with the support of the Government of Botswana, is implementing another regional, USDOL-funded project. This USD 9 million project aims to improve quality of and access to basic and vocational education for children working or at-risk of working in the worst forms of child labor.[619]

The government is working with NGOs, IOs, community-based organizations, and the private sector on a National Orphan Program to provide social services for orphaned children. Specific activities under this program include developing a national database of orphaned children, identifying needs of foster children and parents, training community volunteers, providing HIV/AIDS counseling, and developing child protection priorities. A major goal of the National Orphan Program is to develop a National Orphan Policy based on the Convention on the Rights of the Child.[620]

The government is implementing a National Action Plan for Education which aims to address issues of access, quality, and equity in Botswana's educational system.[621] The government collaborates with UNICEF on efforts to improve schools, strengthen services for orphans and vulnerable children, and increase awareness of the Convention on the Rights of the Child.[622] UNICEF also implements a girls' education program in Botswana

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[615] The Government of Botswana, *Employment Act*, Para 110.
[616] U.S. Department of State, *Country Reports- 2004: Botswana*, Section 6d.
[617] U.S. Embassy- Gaborone, *reporting,* September 28, 2001, para 3. For currency conversion see FX Converter, *Currency Converter,* [online] [cited June 17, 2005]; available from http://www.carosta.de/frames/convert.htm.
[618] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September, 2003, 38-39.
[619] This USDOL Child Labor Education Initiative grant was awarded in August 2004. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington, D.C., August 16, 2004, 1-2.
[620] *Children and AIDS: Challenges and Strategies to Cope,* Global Health Council, April 2001 [cited June 17, 2005]; available from http://www.globalhealth.org/news/article/894.
[621] Ministry of Education, *National Action Plan,* as cited in UNESCO, Education Plans and Policies, 2002 [cited June 17, 2005], 4; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20923&URL_DO=DO_TOPIC&URL_SECTION=201.html.
[622] UNICEF, *At a glance: Botswana,* [online] 2005 [cited June 16, 2005]; available from http://www.unicef.org/infobycountry/botswana.html. According to UNICEF there are approximately

aimed at improving the primary school curriculum, supporting the development of early childhood education policy and pregnancy prevention policies and programs, and improving the learning environment at boarding schools in remote areas.[623]

120,000 orphans in Botswana due to deaths from HIV/AIDS. See UNICEF, *Botswana Statistics, HIV AIDS,* [online] 2001 [cited May 1, 2006]; available from http://www.unicef.org/infobycountry/botswana_statistics.html#14.

[623] UNICEF, *Girls' Education in Botswana,* [online] [cited July 30, 2005]; available from http://www.unicef.org/girlseducation/files/Botswana.doc.

Brazil

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/28/2001	
Ratified Convention 182	2/2/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 5.3 percent of children ages 5 to 14 years were counted as working in Brazil in 2003. Approximately 7.1 percent of all boys 5-14 were working compared to 3.4 percent of girls in the same age group. The majority of working children were found in the agricultural sector (59.8 percent), followed by services (30.9 percent), manufacturing (7.3 percent) and other sectors (2.1 percent).[624] Child labor is more prevalent in northeastern Brazil than in any other region, and it is more common in rural areas than in urban areas.[625] Children work in approximately 100 urban and rural activities,[626] including mining, fishing, producing charcoal, and harvesting sugar cane, and other crops. In urban areas, common activities for working children include shining shoes, street peddling, begging, and working in restaurants, construction, and transportation.[627] The ILO has estimated that between 400,000 and 500,000 minors are employed as domestic servants in Brazil. This corresponds to more than 8 percent of all working children. It is estimated that roughly a third of domestics begin to work before the age of 12, and over half work more than 40 hours per week. Many children and adolescents are employed as domestic servants in third-party homes,[628] and others work as trash pickers,[629] drug traffickers,[630] and prostitutes.[631] Child labor is one of many

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[624] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[625] Zero Hunger, *Pesquisa revela: mais crianças deixam trabalho no campo,* [online] 2005 [cited June 14, 2005]; available from http://www.fomezero.gov.br/exec/DetalheNoticia.aspx?id_moticia=9347.

[626] U.S. Department of State, *Country Reports on Human Rights Practices - 2004*, U.S. Department of State, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41751.htm.

[627] Ibid., section 6d.

[628] See ILO-IPEC, *Análise e recomendações para a melhor regulamentação e cumprimento da normativa nacional e internacional sobre o trabalho de crianças e adolescentes no Brasil*, Brasília, 2003, 63-64; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/estudios/brasil_171.pdf.

[629] Ibid., 65.

[630] Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Situation of Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002. See also ILO-IPEC, *Análise e recomendações*, 63.

[631] PESTRAF-BRASIL, *Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para Fins de Exploração Sexual Comercial: Relatório Nacional*, Brasilia, June 2002, 48, 49, and 51. See also U.S. Department of State, *Trafficking in Persons Report*, U.S. Department of State, Washington, DC, June, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

problems associated with poverty. In 2001, 8.2 percent of the population in Brazil were living on less than USD 1 a day. [632]

Women and girls are trafficked internally and externally for the purpose of sexual exploitation.[633] Common external destinations are neighboring countries within South America and the Caribbean, and the Middle East, Japan and Europe.[634]

Basic education is free and compulsory for children through the age of 15.[635] The Ministry of Education, in conjunction with state and municipal governments, is expanding the scope of basic education to include one year of kindergarten.[636] For adolescents between the ages of 15 and 17 who did not attend or complete primary school, basic education is also free, but not compulsory.[637] In 2001, the most recent year for which this information is available, 11.9 percent of working children ages 5 to 15 years were not attending school.[638] In 2002, the gross primary enrollment rate was 147 percent and the net primary enrollment rate was 97 percent.[639] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2003, 93.6 percent of children ages 5 to 14 were attending school.[640] The primary school completion rate in 2003 was 112 percent.[641] However, child labor contributes to the widespread "age-to-grade" distortion of children in the Brazilian education system.[642]

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[632] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[633] U.S. Department of State, *Trafficking in Persons Report*.
[634] Ibid.
[635] *Resolução CNE/CEB Nº 1, De 5 De Julho De 2000 Estabelece as Diretrizes Curriculares Nacionais para a Educação e Jovens e Adultos.*, (July 5), Article 7.
[636] Ministry of Education Basic Education Secretariat Office of Basic (Fundamental) Education (COEF), *Programa Ampliação do Ensino Fundamental para Nove Anos,* [online] 2005 [cited June 22, 2005]; available from http://www.mec.gov.br/sef/fundamental/noveanos.shtm.
[637] U.S. Department of State, *Country Reports 2004*, Section 5.
[638] Calculated from the Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios: Trabalho Infantil 2001*, Instituto Brasileiro de Geografia e Estatística - IBGE, Rio de Janeiro, 2003, 76.
[639] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[640] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[641] The Primary completion rate is the number of students that complete the last year of (or graduate from) primary school in a given year, divided by the number of children of official graduation age in the population. The World Bank Group, *Brazil Data Profile,* [online] April, 2005 [cited June 27, 2005]; available from http://devdata.worldbank.org/external/CPProfile.asp?SelectedCountry=BRA&CCODE=BRA&CNAME=Brazil&PTYPE=CP.
[642] This distortion refers to the large number of children in the country who are enrolled and/or attending school at a grade level below that which is considered appropriate for their age group.

Child Labor Laws and Enforcement

The minimum age for general employment in Brazil is 16 years and the minimum age for apprenticeships is 14 years.[643] The 1990 Statute on Children and Adolescents prohibits employees under the age of 18 from working in unhealthy, dangerous, and arduous conditions; for long hours that impede school attendance; at night; or in settings where their physical, moral, or social well-being is adversely affected.[644] Adult prostitution is legal in Brazil,[645] but the Penal Code provides for imprisonment and fines to anyone caught prostituting another individual or running a prostitution establishment, punishable by prison terms of 2 to 10 years when adolescents less than 18 years of age are involved.[646] The Penal Code also provides for fines and prison terms of 3 to 10 years to anyone caught trafficking women or children internally or across national borders for the purposes of prostitution. Penalties are increased when adolescents less than 18 years of age are involved.[647] The Penal Code does not address forced labor directly but proscribes imprisonment from two to eight years and a fine for subjecting a person to slave-like conditions and transporting workers by force from one locale to another within the national territory. Punishment is increased by half if the crime is committed against a child or adolescent.[648] The minimum age for conscription into the military service is 18 years, or 17 years on a voluntary basis.[649] Since 1999, the Government of Brazil has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.
[650]

The Ministry of Labor and Employment (MLE) is responsible for inspecting work sites for child labor violations.[651] Inspections increasingly target informal employment, in part due to the declining number of children working in the formal sector.[652] Employers who violate Brazil's child labor laws are subject to monetary fines, but fines are rarely applied because inspectors typically negotiate agreements to have employers desist from labor law violations before levying fines.[653] The MLE's Special Groups to Combat Child

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[643] U.S. Consulate - Sao Paulo, *reporting*, September 18, 2000. Minors who work as apprentices are required to attend school through the primary grades and to provide proof of parental permission to work. U.S. Department of State, *Country Reports 2004*, Section 6d.
[644] Federal Labor Prosecutor's Office, *Legislação,* [cited June 23, 2005]; available from http://www.pgt.mpt.gov.br/trab_inf/legis/index.html.
[645] U.S. Department of State, *Country Reports 2004*, Section 5.
[646] *Decreto-Lei*, 2,848, (December 7), Articles 228-9; available from https://www.presidencia.gov.br/ccivil_03/Decreto-Lei/Del2848.htm.
[647] *Lei no. 11,106, de 28 de Março de 2005*, 11,106, Articles 227 and 231; available from https://www.presidencia.gov.br/ccivil_03/_Ato2004-2006/2005/Lei/L11106.htm.
[648] *Penal Code*, Articles 149 and 207.
[649] *LEI 4.374 de 17/08/1964-Lei do Serviço Militar*, 4,374, (August 17 1964), Articles 3 and 5; available from http://www.defesa.gov.br/enternet/sitios/internet/disemi/lsm.html. See also Coalition to Stop the Use of Child Soldiers, *Global Report 2004-Brazil*, County Report, 2004; available from http://www.child-soldiers.org/document_get.php?id=812.
[650] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[651] U.S. Department of State, *Country Reports 2004*, Section 6d.
[652] ILO-IPEC, *Análise e recomendações*, 30.
[653] U.S. Consulate- Sao Paulo, *reporting*, October 23, 2002.

Labor and Protect the Adolescent Worker organize child labor inspection efforts, conduct awareness-raising activities, and cooperate closely with other agencies involved in protecting children's rights. Most inspections result from complaints made to labor inspectors by workers, NGOs, teachers, the media, and other sources [654] Data from the Special Groups reports is used by the MLE's Secretariat of Labor to update a map of child labor, which is used for planning future child labor eradication programs.[655]

Labor inspectors from the MLE often work closely with prosecutors from the Federal Labor Prosecutor's Office (Ministério Público do Trabalho—MPT).[656] MPT prosecutors may investigate cases of child labor, bring charges against violators, and levy fines.[657] In many municipalities, labor inspectors and prosecutors are aided by a network of legally-mandated Guardianship Councils that serve as reference centers for at-risk children and adolescents. The Statute on Children and Adolescents requires all municipalities to establish at least one Guardianship Council (Conselho Tutelar) to refer vulnerable children to the appropriate service providers. Although the Statute has been in effect since 1990, only 3,477 of Brazil's 5,578 municipalities had established such councils by 2003. The lack of greater compliance with the law has been blamed on a lack of resources and political will at the local level. [658]

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

Brazil's National Commission to Eradicate Child Labor (CONAETI)[659] developed the 2004-2007 National Plan to Eradicate Child Labor and proposed a series of legal reforms to help bring national laws into full compliance with the conventions.[660]

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[654] Ministry of Labor and Employment, *Trabalho Infantil no Brasil*. [cited October 13, 2005]; available from http://www.mte.gov.br. See also U.S. Department of State, *Country Reports 2004*, section 6d.
[655] Ministry of Labor and Employment, *Trabalho Infantil no Brasil*.
[656] The Federal Labor Prosecutor's Office is an independent government agency with the principal responsibility of prosecuting labor infractions. See U.S. Department of State, *Country Reports 2004*, Section 6d. See also Federal Labor Prosecutor's Office, *O Que é o MPT: Atuação,* [cited June 23, 2005]; available from http://www.pgt.mpt.gov.br/institucional/mpt/atuacao.html. See also Federal Labor Prosecutor's Office, *Coordenadaria,* 2004 [cited June 23, 2005]; available from http://www.pgt.mpt.gov.br/trab_inf/coord/index.html.
[657] Federal Labor Prosecutor's Office, *Atuação MPT,* 2004 [cited June 23, 2005]; available from http://www.pgt.mpt.gov.br/trab_inf/mpt/index.html.
[658] United Nations Economic and Social Council, *Rights of the Child: Addendum on Mission to Brazil*, New York, February 3, 2004, 14. The government is currently undertaking a campaign to increase the number of municipalities with Guardianship Councils and to improve the capacity of established councils. See Public Ministry of Pernambuco, *Ministério Público participa do lançamento do Gerando Cidadania,* November 18, 2003 [cited June 23, 2005]; available from http://www.mp.pe.gov.br/imprensa/noticias/2003_novembro/18_promotor.htm.
[659] CONAETI is composed of members from the federal government, workers and employers organizations, and civil society. See *Portaria No. 365, de 12 de Setembro de 2002*; available from http://www.mte.gov.br/Temas/FiscaTrab/Legislacao/Portarias/conteudo/393.asp. See also Ministry of Labor and Employment, *Comissão Nacional de Erradicação do Trabalho Infantil,* [online] 2005 [cited June 27, 2005]; available from http://www.mte.gov.br/geral/Imprimir.asp.
[660] ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor, technical progress report*, ILO, Geneva, March 10, 2004. See Ministerio de Trabajo y Empleo, *Plan Nacional de Prevención y Erradicación del*

The Government of Brazil implements a number of innovative programs to prevent and eradicate child labor. The principal program to remove children from working in the most hazardous forms of child labor is the Program to Eradicate Child Labor (*Programa de Erradicação do Trabalho Infantil*—PETI), which is administered by the Ministry of Social Development and Combating Hunger (Ministério de Desenvolvimento Social—MDS), in conjunction with state and local authorities.[661] Through PETI, families with children working in select hazardous activities (as identified by the Ministry of Labor and Employment)[662] receive stipends to remove their children from work and maintain them in school.[663] In addition, PETI offers an after school program to prevent children from working during non-school hours, which provides tutoring, nutritional snacks, sports, art and cultural activities.[664] As of June 2005, PETI provided services to over 930,000 children. The program has estimated it will reach more than 1 million children and adolescents by the end of 2005.[665]

While PETI focuses on removing children from hazardous work, the Family Stipend (*Bolsa Família)* program aims to prevent child labor by supplementing family income and encouraging at-risk children and adolescents to regularly attend school.[666] The program provides a monthly monetary stipend ranging from 15 to 95 Brazilian Reals (USD 6 to 40) to impoverished families, who agree to keep their children in school and meet other requirements related to health and nutrition.[667] More than one million families were assisted by the program in November 2003.[668]

Trabajo Infantil y Protección al Trabajador Adolescente, National Plan, Brasilia, 2004; available from http://www.mte.gov.br/Empregador/FiscaTrab/CombateTrabalhoInfantil/Publicacao/Conteudo/6362.pdf. See also U.S. Embassy- Brasilia, *reporting*, August 29 2005.

[661] Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI,* [online] 2005 [cited June 14, 2005]; available from http://www.mds.gov.br/programas/programas04.asp.

[662] The MLE identified more than 80 types of work that are considered dangerous or unhealthy for minors under the age of 18 years in Brazil. *Administrative Ruling N. 20 of 13 September 2001*.

[663] Children between the ages of 7 and 15 years are eligible to participate. Families receive 40 Brazilian reals (USD 14) per month in urban areas and 25 Brazilian reals (USD 9) in rural areas for every participating child. In addition, families of PETI beneficiaries are required to participate in income generating activities as provided by the local government. See Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI*.

[664] Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil (PETI),* [online] 2005 [cited June 22, 2005]; available from http://www.mds.gov.br/programas/programas04.asp. The school day in Brazil lasts approximately 4 hours.

[665] Ministry of Social Development and Combating Hunger, *PETI - Prestação de contas,* [online] 2005 [cited June 22, 2005]; available from http://www.mds.gov.br/programas/programas04_02.asp.

[666] ILO-IPEC, *Análise das Políticas e Programas Sociais no Brasil*, 182, International Labor Organization, Lima, 2004, 50-51.

[667] Casa Civil Presidência da República, Subchefia para Assuntos Jurídicos, *LEI N. 10.836, de 9 de Janeiro de 2004, Articulo 3,* [online] January 9, 2004 [cited June 22, 2005]; available from http://www.mds.gov.br/bolsafamilia/Lei_Bolsa_Fam%EDlia_10_836_09_01_2004.pdf. See also Zero Hunger, *Bolsa Familia-Perguntas e Respostas,* Presidência da República, [online] 2005 [cited June 23, 2005]; available from http://www.fomezero.gov.br/ContentPage.aspx?filename=pfz_4001.xml. For currency conversion see FX Converter, [online] [cited June 22, 2005]; available from http://www.oanda.com/convert/classic.

[668] United Nations Economic and Social Council, *Rights of the Child*, 19.

The National Plan to Fight Sexual Violence against Children and Adolescents provides the policy framework for the government's programs to combat the commercial sexual exploitation of children and adolescents.[669] These efforts are carried out by a number of government agencies, including the National Human Rights Secretariat (SEDH), and include initiatives to assist victims and raise awareness.[670] The primary program to assist child victims of commercial sexual exploitation is the Sentinel Program, which establishes local reference centers to provide victims with psychological, social, and legal services, and raises awareness through informational campaigns, workshops and partnerships.[671] A program in collaboration with the Government of Portugal focuses on improving investigation and prosecution methods to combat trafficking in persons and the training of law enforcement officials and includes pilot programs in São Paulo, Rio de Janeiro, Goiás, and Ceará.[672] The SEDH also implements a telephone hotline in every state for reporting sexual violence against children and adolescents, and the Ministry of Tourism has developed a Code of Conduct to prevent the sexual exploitation of children and adolescents in the tourism industry.[673] The Federal Police is addressing trafficking for the purpose of sexual exploitation with their counterparts in Switzerland, Spain, Italy, Canada and Portugal.[674]

The Government of Brazil, in coordination with ILO-IPEC, is implementing a Timebound Program to eliminate the worst forms of child labor in domestic service, prostitution, hazardous work in agriculture, and other informal sector activities. Another program, implemented by Partners of the Americas in coordination with the Government

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[669] The National Committee to Fight Sexual Violence Against Children and Adolescents was created to monitor the implementation of the plan. See Ibid., 18.

[670] Ministry of Justice, *Histórico: Marcos no Enfrentamento à Exploração Sexual de Crianças e Adolescentes,* [online] [cited May 21, 2004]. See National Secretariat for Human Rights, *Parcerias marcam Dia Nacional de Combate ao Abuso e à Violência Sexual Infanto-Juvenil,* [online] 2004 [cited June 23, 2005]; available from http://www.mj.gov.br/sedh/ct/conanda/noticias2.asp?id=161.

[671] The Sentinel program is being coordinated at the federal level by the MDS. See Ministry of Social Development and Combating Hunger, *Programa Enfrentamento ao Abuso e Exploração Sexual de Crianças e Adolescentes, Sentinela,* [online] 2005 [cited June 23, 2005]; available from http://www.mds.gov.br/programas/programas03_01.asp. See also ILO-IPEC, *Análise das Políticas e Programas Sociais no Brasil*, 57.

[672] The program, which receives technical cooperation from the UN Office of Drugs and Crime, is establishing a database on trafficking in persons, including the trafficking of children and adolescents, and a public awareness campaign. See Ministry of Justice, *Ministério da Justiça e ONU intensificam combate ao tráfico de brasileiros,* May 19, 2004 [cited June 23, 2005]; available from http://www.mj.gov.br/noticias/2004/maio/RLS190504-trafico.htm. See also United Nations Office on Drug and Crime, *Technical cooperation by geographical region: Latin America: Brazil,* [online] 2005 [cited June 27, 2005]; available from http://www.unodc.org/unodc/en/trafficking_projects.html.

[673] Ministry of Justice Subsecretary for the Promotion of the Rights of Children and Adolescents, *Setor do turismo debate a exploraçao sexual infanto-juvenil,* [online] 2005 [cited June 28, 2005]; available from http://www.mj.gov.br/sedh/ct/spdca/noticias2_teste.asp?id=519. In addition, the Sao Paulo State Office to Combat Trafficking in Persons, in collaboration with the travel and hospitality industry, NGOs and the U.S. Consulate, are implementing a public information program to combat sex tourism aimed at the commercial sexual exploitation of minors. The program provides certification and a seal to participating hotels, taxi and truck drivers. See U.S. Consulate- Sao Paulo, *reporting*, January 24, 2005.

[674] The President has declared the fight against human trafficking as a national priority. See U.S. Department of State, *Trafficking in Persons Report*.

of Brazil, aims to strengthen basic education in areas of northern and northeastern Brazil with high incidence of hazardous child labor.[675] In July 2005, USAID, in cooperation with the National Secretaries for Human Rights and Social Welfare, funded a program that supports the creation of new Sentinel reference centers, which will provide services to children adolescent victims of commercial sexual exploitation, in seven states.[676]

Other federal social assistance initiatives targeting at-risk youth include the MDS' Youth Agent (*Agente Jovem*) project, which provides training in personal, social, community development, and job skills for youth between the ages of 15 and 17 years and aims to reintegrate and retain them in school.[677] The Ministry of Education, through the National Education Development Fund, offers literacy and basic education programs and a "weekend school" to at-risk youth and other marginalized groups.[678] The Ministry of Labor and Employment's First Employment Program (*Programa Nacional de Estímulo ao Primeiro Emprego*) stimulates access to the labor market by generating work opportunities for Brazilian youth of legal working age.[679]

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[675] ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor*, Project document, 03-K110-RWBR-4143-SF601-000, September 30, 2003. See also Partners of the Americas, *"Projeto EDUCAR," Combating Child Labor Through Education in Brazil*, project document, 02-K100-R1AA-SF501, Washington, DC, April 18, 2004.

[676] The centers will be developed in Pacaraima, Rio Branco, São Paulo, Campina Grande, Feira de Santana, Foz de Iguaçu and Corumbá. Ministry of Justice Subsecretaria de Promoçao dos Direitos da Criança e do Adolescente, *Acordo internacional garante US$1 milhao para combater abuso e exploraçao sexual de crianças e adolescentes,* [online] 2005 [cited June 27, 2005]; available from http://www.mj.gov.br/sedh/dca/noticias/acordo_internacional_garante_us.htm.

[677] The Youth Agent of Social and Human Development (*Projeto Agente Jovem de Desenvolvimento Social e Humano*) program is aimed particularly at those adolescents who have "graduated" out of other social programs, including PETI. See Ministry of Social Development and Combating Hunger, *Projeto Agente Jovem de Desenvolvimento Social e Humano,* 2005 [cited June 22, 2005]; available from http://www.mds.gov.br/programas/programas07.asp.

[678] National Fund for Educational Development, *Brasil Alfabetizado,* Ministry of Education, [online] 2005 [cited June 14, 2005]; available from http://www.fnde.gov.br/home/index.jsp?arquivo=/brasil_alfabetizado/brasil_alfb.html. See also National Fund for Educational Development, *Apoio ao Atendimento à Educação de Jovens e Adultos,* Ministry of Education, [online] 2005 [cited June 14, 2005]; available from http://www.fnde.gov.br/home/index.jsp?arquivo=/eja_edujovadult/eja.html. See also National Fund for Educational Development, *Escola Aberta,* Ministry of Education, [online] 2005 [cited June 14, 2005]; available from http://www.fnde.gov.br/home/index.jsp?arquivo=/escola_aberta/escola_aberta.html.

[679] Ministry of Labor and Employment, *Apresentação-Programa Nacional de Estímulo ao Primerio Emprego,* [online] [cited June 27, 2005]; available from http://www.mte.gov.br/FuturoTrabalhador/primeiroemprego/Conteudo/Apresentacao.asp#. See also Ministry of Labor and Employment, *PNPE-Objectivo Principal,* [online] [cited June 28, 2005]; available from http://www.mte.gov.br/FuturoTrabalhador/primeiroemprego/OPrograma/Conteudo/ObjetivoPrincipal.asp#. See also Ministry of labor and Employment, *PNPE-Legislação-Decreto No. 5.199, de 30 de Agosto de 2004,* [online] [cited June 28, 2005]; available from http://www.mte.gov.br/futurotrabalhador/primeiroemprego/Legislacao/Conteudo/Decreto-5199.asp#.

In addition, the Ministry of Education provides a school lunch program for young children enrolled in school that seeks to promote children's school attendance.[680] The Ministry also implements a school transportation program that facilitates school access and persistence among children in rural regions.[681]

In January 2004, Brazilian president Luis Inácio Lula Da Silva proposed the Child-Friendly President Action Plan 2004-2007. The plan details nearly 200 activities to benefit children, including efforts to combat child exploitation. The plan's budget is 55.9 billion Brazilian Reals (USD 19.7 billion), but these funds must first be approved by the Brazilian Congress.[682] With the support of ILO-IPEC, the Government of Brazil and the other governments of MERCOSUL[683] developed the 2002–2004 regional plan to combat child labor. The plan includes an awareness raising campaign, which was officially launched in April 2004.[684]

The World Bank supports various programs in Brazil to improve the quality and management of education and reduce poverty, including a USD 572 million loan to assist Brazil in its implementation of the Family Stipend (*Bolsa Família*) program.[685] In June 2003, the Bank approved a USD 60 million loan to the state of Bahia for a second phase of a program to improve access, quality and management of primary and secondary schools in the region.[686] In October 2004, the Bank approved a USD 31.5 million loan to support the state of Pernambuco's efforts to improve and modernize its education system.[687]

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[680] Ministry of Education, *Alimentação Escolar,* National Fund for Educational Development, [online] 2005 [cited June 14, 2005]; available from http://www.fnde.gov.br/home/index.jsp?arquivo=/alimentacao_escolar/alimentacao_esc.html.
[681] ILO-IPEC, *Análise das Políticas e Programas Sociais no Brasil*, 44.
[682] The National Secretariat for Human Rights will coordinate an inter-ministerial commission to oversee implementation of the plan. See Ultimo Segundo, *Lula anuncia o Plano Presidente Amigo da Criança,* [online] 2004 [cited June 23, 2005]; available from http://ultimosegundo.ig.com.br/materias/brasil/1436501-1437000/1436663/1436663_1.xml.
[683] MERCOSUL is the Brazilian acronym for MERCOSUR (Mercado Comun del Sur, or "the common market of the south").
[684] Ministry of Labor and Employment, *Brasil lança campanha conjunta com países do Mercosul de combate ao trabalho infantil,* [online] March 9, 2004 [cited June 27, 2005]; available from http://www.mte.gov.br/geral/Imprimir.asp.
[685] The World Bank, *World Bank To Support Brazil's Social Transfers Program With US$ 572.2 Million*, Washington, DC, June 17, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/BRAZILEXTN/0,contentMDK:20215496~menuPK:322347~pagePK:141137~piPK:141127~theSitePK:322341,00.html.
[686] The World Bank, *World Bank Supports Education In Northeast Brazil With US$60 Million,* [online] [cited June 23, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20117797~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html.
[687] The World Bank, *Brazil: World Bank Approves $31.5 Million to Improve Education in Northeast*, online, October 14, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20268194~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

Bulgaria

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 4/23/1980	
Ratified Convention 182 7/28/2000	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation and Trafficking)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Bulgaria are unavailable.[688] Most working children are employed at home, in family-owned shops, and on family farms, some engaging in heavy or dangerous labor.[689] Children also work in restaurants, shops, hotels, agriculture, forestry, transportation, communications, construction, periodical sales, and industry, particularly in small-scale textiles.[690] The majority of paid child labor occurs in the commercial and services sector.[691] Child labor is one of many problems associated with poverty. In 2001, 4.7 percent of the population of Bulgaria were living on less than USD 1 a day.[692]

Children are involved in prostitution and drug trafficking in Bulgaria, sometimes working with organized crime rings.[693] Trafficking in children is a problem, with Bulgaria serving primarily as a transit country, including for girls trafficked for prostitution and sexual exploitation.[694] Bulgarian women and children are trafficked from Central Asia Moldova, Romania, Russia, and Ukraine into Western, Southern and Eastern Europe.[695] To a lesser extent, Bulgaria serves as a country of origin for trafficking victims, and there are cases of internal trafficking.[696] The majority of trafficked children come from the

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[688] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[689] ILO-IPEC, *Problems of Child Labor in the Conditions of Transition in Bulgaria: Study project*, Sofia, 2000, 32, 36. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bulgaria*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41674.htm.

[690] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d. See also ILO-IPEC, *Problems of Child Labor*, 31, 32.

[691] ILO-IPEC, *Problems of Child Labor*.

[692] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[693] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d.

[694] Ibid., Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

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

[696] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.

poorest families, many within the ethnic minority Roma community.[697] Most young girls who are trafficked are lured by "get rich quick" promises at the ages of 14 and 15 when they cannot afford to continue their schooling beyond the required, basic education.[698] However, no official statistics on trafficking of children are available.[699]

Under its Constitution and the National Education Act of 1991, education is free and compulsory up to the age of 16.[700] Bulgaria traditionally places high value on education and literacy, contributing to its relatively competitive educational system.[701] Children typically start school at the age of 6 or 7,[702] and gender inequality in education is generally not a problem.[703] Rural and Roma children tend to have low attendance and high dropout rates.[704] Roma children also attend segregated schools offering inferior education.[705]

In 2002, the gross primary enrollment rate was 100 percent and the net primary enrollment rate was 90 percent.[706] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Bulgaria.[707]

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[697] Hamburg Institute of International Economics, *EU-Enlargement, Migration and Trafficking in Women: The Case of South Eastern Europe*, 247, 2004, 23. Poverty puts many Romani children at risk of begging, prostitution, and other crimes. See U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5.
[698] European Parliament, *Trafficking in Women*, working paper, Brussels, March 2000, 61.
[699] Hamburg Institute of International Economics, *EU-Enlargement, Migration and Trafficking in Women*, 23. See also UNICEF and OSCE/ODIHR UNHCHR, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 51; available from http://www.unhchr.ch/women/trafficking.pdf.
[700] *Constitution of Bulgaria*, (1991 [amended 2003. 2005]), Article 53; available from http://www.parliament.bg/?page=const&1ng=en. See also Government of Bulgaria, *National Education Act*, (1991 [amended 1996]), Articles 6 and 7; available from http://www.bild.net/legislation/docs/8/edu4.html.
[701] UNDP, *Millennium Development Goals Report for Bulgaria*, 2003, 18; available from http://www.undp.bg/en/publications.php?content=yes&ID=2&PHPSESSID=d7032e68416fc971a39a5af00. Bulgaria ranks at the top of the medium human development index. See UNDP, *Human Development Report 2004*, 2004, 129, 140; available from http://hdr.undp.org/reports/global/2004/.
[702] *National Education Act*, Article 7, para. 2.
[703] UNDP, *Millennium Development Goals Report*, 19.
[704] Ibid. See also ILO-IPEC, *Problems of Child Labor*, 31, 32.
[705] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5. See also Inter Ethnic Initiative for Human Rights Save the Children UK, EveryChild, Bulgarian Helsinki Committee, and Centre for Independent Living, *NGO Alternative Report on Bulgaria's Progress Towards EU Accession, 2004*, Sofia, October 2004, 13, 15; available from http://www.bghelsinki.org/special/en/2004_NGOAlternativeReport_EN.doc.
[706] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[707] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

Child Labor Laws and Enforcement

The Constitution protects employees from discrimination, forced labor, and hazardous working conditions.[708] The Government of Bulgaria is generally committed to children's welfare, but is seriously constrained by budgetary limitations.[709]

The Labor Code sets the minimum age for employment at 16 years,[710] but children ages 13 to 16 years may engage in light work and perform certain jobs with government approval.[711] Children younger than 16 years must undergo a medical examination to receive government approval.[712] Children under 18 are permitted to work only reduced hours and are prohibited from hazardous, overtime, and night work.[713] Amendments to the Criminal Code in 2004 stipulate 6 months of imprisonment and a fine of 500 Leva (USD 335) for illegally employing children under 18 years, and 1 year imprisonment and a fine of 1000 Leva (USD 670) for illegally employing children under 16 years.[714] The Family Code establishes legal protections for children working in family businesses, including situations when a parent "jeopardizes the personality, upbringing, health or property of the child."[715] The Child Protection Act prohibits the involvement of children in activities that might harm their development.[716] It was amended in 2003 to strengthen protections for adopted children or children deprived of the care of their families pursuant to Article 20 of the UN Convention on the Rights of the Child.[717] An Ordinance for the Elimination of Child Labor that provides annual allowances for children and students was approved in August 2004.[718] Since 1999, the Government of Bulgaria has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182

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[708] *Constitution of Bulgaria*, Articles 6, 48.
[709] Ibid.
[710] Government of Bulgaria, *Labour Code*, (1986 [as amended 2004]); available from http://www.mlsp.government.bg/en/docs/labour/index.htm.
[711] Ibid., Articles 301, 302.
[712] Ibid., Article 302.
[713] No overtime work; night work only between 8 p.m. and 6 a.m.; length of work week not to exceed 40 hours for employees under the age of 18. See Ibid., Articles 113, 137, 140, 147, 304, 305.
[714] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d.
[715] Government of Bulgaria, *Family Code*, (1985 [amended 1992]), Articles 74-75; available from http://bild.net/legislation/docs/4/civil5.html. See also ILO-IPEC, *Problems of Child Labor*, 31, 32, 60.
[716] Government of Bulgaria, *Child Protection Act*, (as amended 2003), Article 10, 11; available from http://cis-sacp.government.bg/sacp/CIS/content_en/law/item03.htm.
[717] U.S. Embassy-- Sofia, *unclassified telegram no. 1608*, August 19, 2003. For text of the Convention, see *Convention on the Rights of the Child*; available from http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm.
[718] ILO, http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en (Browse by Country: Bulgaria).

or Convention 138.[719] The minimum age for compulsory and voluntary military service is 18.[720]

There is a trafficking provision in the Bulgarian Criminal Code and witness protection legislation that covers victims of trafficking.[721] The Bulgarian Law on Combating the Illegal Trafficking in Human Beings covers children and mandates the creation of a national commission to coordinate and construct policy on trafficking.[722] The Anti-trafficking Commission held its first meeting in December 2004.[723] The penalty for trafficking a minor is 2 to 10 years of imprisonment and up to 10,000 Leva (USD 6670).[724] However, the law contains gaps in regard to the victim's well-being and overall situation. These gaps are impossible to assess given the lack of reliable information on the trafficking of women and children.[725] There is also a substantial lack of space in shelters established for temporary housing of victims.[726]

The Ministry of Labor and Social Policy's (MLSP) Chief Labor Inspectorate enforces all labor laws, including those concerning child labor.[727] According to the US Department of State, child labor laws are generally well-enforced in the formal sector.[728] However, official corruption hampers enforcement of anti-trafficking efforts.[729]

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[719] ILO-IPEC official, email communication to USDOL official, November 14, 2005. A copy of the Government of Bulgaria's list of hazardous work prohibited to minors was requested from the government, but no response was received. See U.S. Department of Labor, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register 70,* no. 141, 43014 (July 25, 2005); available from http://frwebgate4.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=98311525998+10+0+0&WAISaction=retrieve.

[720] CIA, *The World Factbook: Bulgaria,* September 20, 2005 [cited October 12, 2005]; available from http://www.cia.gov/cia/publications/factbook/print/bu.html.

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

[722] *Law on Combating Trafficking in Human Beings*, (January 1, 2004), Articles 1(a) and 2(a); available from http://www.legislationline.org/data/Trafficking/DOMESTIC_LEGISLATION/bulgaria/Bulgaria_trafficking_law_english.doc.

[723] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5.

[724] Ibid.

[725] Hamburg Institute of International Economics, *EU-Enlargement, Migration and Trafficking in Women*, 5-6. 23. 86.

[726] Ibid., 86, 97.

[727] Ministry of Labour and Social Policy, *Basic functions and tasks of the Ministry of Labour and Social Policy of the Republic of Bulgaria,* [cited June 1, 2005]; available from http://www.mlsp.government.bg/en/functions/index.htm. See also U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d.

[728] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d. From October 2002 to August 2004, there was a 62 percent increase in the number of inspectors (from 271 to 440 inspectors); In 2004, five regional labor inspectorates identified child labor as a priority. U.S. Embassy- Sofia, *unclassified telegram no. 1616*, August 24, 2004. See also U.S. Embassy- Sofia, *unclassified telegram no. 2498*, October 25, 2002.

[729] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5.

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

In 2002, Bulgaria adopted a National Action Plan against the Worst Forms of Child Labor that focuses on education and new legislation.[730] The government maintains an Action Plan against Commercial Sexual Exploitation of Children,[731] a National Strategy for Children on the Street,[732] and an Anti-Trafficking Task Force within the Ministry of Interior (MOI).[733] On March 22, 2005, the Bulgarian government issued a Memorandum of Understanding with the ILO, establishing a Child Labor Unit within the Ministry of Labor and Social Policy.[734] The Child Labor Unit will coordinate child labor issues and develop a national child labor database.[735] Bulgaria also implemented a National Anti-Trafficking Strategy in February 2005.[736]

Bulgaria is a member of the Southeast European Cooperative Initiative (SECI) and has participated in regional anti-trafficking efforts through SECI's Regional Center for Combating Transborder Crime, an organization that promotes cooperation among law enforcement authorities.[737] In cooperation with the government, the IOM supports six counter-trafficking projects in Bulgaria, including regional efforts to provide mental health assistance to victims of trafficking.[738] In May 2005, the Committee of Ministers of the Council of Europe, of which Bulgaria is a member, adopted a European Convention against Trafficking in Human Beings that focuses on a cooperative framework for the protection and assistance of trafficked persons.[739]

The government and various NGOs conduct awareness programs and crisis centers for trafficked victims.[740] With participation from the government, USAID supports a Rule of

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[730] U.S. Embassy- Sofia, *unclassified telegram no. 2498*.
[731] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d. See also U.S. Embassy- Sofia, *unclassified telegram no. 1616*.
[732] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5. See also U.S. Embassy- Sofia, *unclassified telegram no. 1616*.
[733] Hamburg Institute of International Economics, *EU-Enlargement, Migration and Trafficking in Women*, 138.
[734] U.S. Embassy- Sofia, *unclassified telegram no. 1524*, August 31, 2005.
[735] Ibid.
[736] U.S. Department of State, *Trafficking in Persons Report*, 73.
[737] Hamburg Institute of International Economics, *EU-Enlargement, Migration and Trafficking in Women*, 25, 138.
[738] IOM, *Online Project Compendium: Bulgaria,* [online] [cited June 1, 2005]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject.. See also IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001, 4-6; available from http://www.iom.int/en/PDF_Files/other/Balkan_strategy.pdf.
[739] Council of Europe, *Action Against Trafficking in Human Beings,* Council of Europe, [online] n.d. [cited September 30, 2005]; available from http://www.coe.int/T/E/human_rights/trafficking/. Amnesty International, *Enhancing the Protection of the Rights of Trafficked Persons; Amnesty International and Anti-Slavery International's Recommendations to strengthen provisions of the July 2004 draft European Convention against Trafficking in Human Beings*, Amnesty International, London, September 2004.
[740] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5.U.S. NGOs run a project that uses education to combat child prostitution and trafficking along the Bulgaria-Romania border. BEPS, *Combating Human Trafficking: Bulgaria,* [online] [cited May 26, 2004]; available from http://www.beps.net/child_labor/labor_bulgaria.htm.

Law program to advance judicial reform, anti-corruption, and anti-trafficking efforts.[741] IPEC works with the government on a national and regional program that targets the worst forms of child labor.[742] The World Bank Group funds a Child Welfare Reform Project that targets child abandonment and monitors sub-projects for street children.[743]

To increase the attendance of ethnic minorities in public schools, the government and NGOs provide subsidies for school expenses (e.g., school lunches, textbooks, tuition fees, and teaching assistants) and implement busing programs.[744] In June 2004, the Ministry of Education and Science announced a Strategy for the Education and Integration of Children and Pupils from Ethnic Minorities for the 2004 – 2009 period.[745] In February 2005, Bulgaria along with eight other eastern European countries, the World Bank, and Open Society Institute launched the Decade of Roma Inclusion Program (2005-2015) for improving the economic status and social inclusion of Roma.[746] Moreover, among its Millennium Development Goals, Bulgaria has pledged to achieve universal primary education and to eliminate gender disparity in all levels of education by 2015.[747]

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[741] The program concludes in 2007. USAID, *Bulgaria: The Development Challenge,* [online] January 17, 2005 [cited June 1, 2005]; available from http://www.usaid.gov/policy/budget/cbj2005/ee/bg.html.
[742] ILO-IPEC, *IPEC Action Against Child Labor: Highlights 2004*, Geneva, October 2004, 21; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf. See also U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 6d.
[743] The project concludes in June 2006. World Bank Group, *Bulgaria Projects and Programs: Active Projects,* [online] 2005 [cited June 1, 2005]; available from http://www.worldbank.bg/external/default/main?menuPK=305471&pagePK=141143&piPK=141103&theSitePK=305439.
[744] U.S. Department of State, *Country Reports- 2004: Bulgaria*, Section 5.
[745] The program concludes in 2009. Save the Children UK, *NGO Alternative Report*, 13, 14.
[746] See World Bank Group, *Summary Report: Launch of the Int'l. Decade of Roma Inclusion (2005-2015)*, Sofia, February 2, 2005; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000090341_20050228111322. The program also established a Roma Education Fund, which has raised over 42 million USD.
[747] UNDP, *Millennium Development Goals Report*, 18. See also World Bank Group, http://devdata.worldbank.org/external/CPProfile.asp?SelectedCountry=BGR&CCODE=BGR&CNAME=Bulgaria&PTYPE=CP (World Development Indicators Database: Bulgaria Country Profile).

Burkina Faso

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/11/1999	
Ratified Convention 182	7/25/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 66.3 percent of children ages 10 to 14 were counted as working in Burkina Faso in 1998. Approximately 65.3 percent of all boys 10 to 14 were working compared to 67.5 percent of girls in the same age group.[748] Most working children are found in agriculture, gold washing and mining, and informal sector activities. Many girls are found working as vendors and in domestic service, and some children are reported to work as domestic servants for no pay.[749] Children also work in small, family-owned businesses, and as apprentices.[750] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 44.9 percent of the population in Burkina Faso were living on less than USD 1 a day.[751]

Burkina Faso is a source, transit, and destination country for trafficked children.[752] Studies indicate that a significant proportion of trafficking activity is internal.[753] Children are trafficked to work in domestic service, street vending, and agriculture, and to be exploited in prostitution.[754] Boys are trafficked within Burkina Faso for agricultural labor, domestic service, metal working, wood working, and mining. Trafficked children are often subject to violence, sexual abuse, and forced prostitution, and lack access to

[748] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[749] Tertius Zongo, Ambassador of Burkina Faso to the United States, *La Lutte Contre le Travail des Enfants au Burkina Faso*, public comment submitted to the U.S. Department of Labor, Washington, D.C., September 2002, 7. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Burkina Faso*, Washington, DC, February 28, 2005, Section 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41590.htm.

[750] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 6d.

[751] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[752] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[753] ILO-IPEC Official, meeting with USDOL Official, January 20, 2003.

[754] ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa*, synthesis report, Abidjan, 2001, 9, 11; available from http://www.ilo.org/public/english/standards/ipec/publ/field/africa/central.pdf. See also U.S. Department of State, *Trafficking in Persons Report*.

food, shelter, education, and medical care.[755] Burkina Faso also receives children trafficked from Benin, Mali, and Togo, and the country serves as transit point for children trafficked from Mali to Côte d'Ivoire.[756] Children from Burkina Faso are trafficked into Côte d'Ivoire to work on cocoa plantations and also to Benin, Ghana, Mali, and Nigeria.[757] However, the number of Burkinabe children trafficked into Côte d'Ivoire has reportedly declined since the closing of the border between the two countries following the September 2002 rebellion in Côte d'Ivoire, with many children going instead to Benin or to Mali to work on rice plantations or study in Islamic schools.[758]

The Education Act makes schooling compulsory from age 6 to 16.[759] By law, education is also free, but the government does not have adequate resources to provide universal free primary education. Children are required to pay for school supplies, and communities are frequently responsible for constructing primary school buildings and teachers' housing. Children from poor families can continue to receive tuition-free education through junior high and high school, if their grades qualify.[760] In 2002, the gross primary enrollment rate was 46 percent, and the net primary enrollment rate was 36 percent.[761] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1998, 26.5 percent of children ages 6 to 14 years were attending school.[762] As of 2001, 66 percent of children who started primary school were likely to reach grade 5.[763]

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[755] U.S. Department of State, *Trafficking in Persons Report*. See U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

[756] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5. Reports indicate that children from Benin and Togo are trafficked in Burkina Faso for forced labor. See U.S. Department of State, *Trafficking in Persons Report*.

[757] ECPAT International, *Burkina Faso,* in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=27&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pornography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Trafficking in Persons Report*.

[758] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

[759] UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1997: Burkina Faso*, Geneva, February 2002, para. 341.

[760] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5. See also U.S. Embassy-Ouagadougou, *reporting*, August 26, 2004.

[761] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[762] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*.

[763] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years of age and prohibits children under 18 from working at night.[764] The Labor Code also outlines and prohibits the worst forms of child labor for children under 18. Its definition of the worst forms of child labor follows ILO Convention No. 182. A decree adopted under Article 147 of the Labor Code lists the types of businesses in which children under 18 years of age may not work.[765] Under the Labor Code, children and adolescents under 20 years may not undertake work that threatens their reproductive capability.[766] Slavery and slavery-like practices; inhumane and cruel treatment; and physical or emotional abuse of children are forbidden by the Constitution.[767] The Labor Code also prohibits forced and compulsory labor.[768] The minimum age for voluntary recruitment into the military is 20 years.[769] Since 1999, the Government of Burkina Faso has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[770]

Child trafficking for economic or sexual exploitation; illegal adoption; early or forced marriage; or any other purpose that is harmful to a child's health, well-being, or physical or mental development, is proscribed by law. Anyone who engages in child trafficking, or who is aware of a child trafficking case and does not report it, is subject to 1 to 5 years of imprisonment and a fine of 300,000 CFA francs to 1,500,000 CFA francs (USD 553.57 to USD 2,767.86). The penalty is increased to 5 to 10 years of imprisonment if the child is under 15 years, or if the act was committed using fraud or violence. The perpetrator is subject to a life sentence if the victim dies or is permanently disabled, or if the purpose of the trafficking was for the removal of organs.[771] However, reports indicate that the law has not been applied. In 2004, 41 child traffickers were arrested, of which 16

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[764] In times of emergency, the minimum age for night work may be lowered to 16 years. The Labor Code was adopted on September 14, 2004 and promulgated on October 15, 2004. See Government of Burkina Faso, *Loi n° 033-2004/AN portant Code du Travail au Burkina Faso*, (September 14, 2004), Articles 146, 147; available from http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Loi_AN_2004_00033.htm. See also Government of Burkina Faso, *Décret n° 2004-451-PRES du 15 octobre 2004 promulguant la loi n° 033-2004/AN du 14 septembre 2004 portant Code du travail*, (October 15, 2004); available from http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Décret_PRES_2004_00451.htm.

[765] See *Code du Travail*, Articles 147, 148. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West and Central Africa (LUTRENA) - Responses to ICLP Comments, March 2005*, IPEC responses, Geneva, March 2005, 1.

[766] *Code du Travail*, Article 145.

[767] Ibid., Article 148.

[768] However, certain types of work, such as military service and prison labor, are not included in this prohibition. See Ibid., Articles 5, 6.

[769] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=760.

[770] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[771] Government of Burkina Faso, *Loi n° 038-2003/AN portant définition et répression du trafic d'enfant(s)*, (May 27, 2003), Articles 3-6; available from http://www.legiburkina.bf/jo/jo2003/no_31/Loi_AN_2003_00038.htm. For currency conversion, see FX Converter, [online] [cited July 1, 2005]; available from http://www.oanda.com/convert/classic.

were convicted.[772] Also, kidnapping and violence toward children is prohibited by the Penal Code.[773] The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly prohibits the prostitution of persons less than 18 years of age. Violations are punishable by 2 to 5 years of imprisonment and a fine of 2,000,000 CFA francs to 25,000,000 CFA francs (USD 3,690.49 to USD 46,131.10).[774] Contributing to the corruption or debauchery of a minor is also illegal and is subject to the same penalties.[775] Penalties specified for these crimes apply regardless of the country in which the offenses are committed.[776]

The Ministry of Social Affairs and the Ministry of Labor's Directorate of Labor Health and Security, Child Labor, and Trafficking Division are responsible for enforcing child labor laws, but, according to the U.S. Department of State, they lack the means to do so adequately. Violations of minimum age and forced labor laws are subject to fines of 50,000 CFA francs to 300,000 CFA francs (USD 92.26 to USD 553.57) and imprisonment of 1 month to 3 years, and violations of laws prohibiting the worst forms of child labor are governed by the penalties set forth by the child trafficking legislation.[777] The national police, gendarmes, customs service, and labor inspectors share responsibility for investigating child labor violations.[778] In late 2004, a law was passed to establish juvenile courts to address child rights issues.[779] Due to resource constraints, the government provides minimal support to Burkinabe trafficking victims, and deports foreign victims.[780]

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

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[772] U.S. Department of State, *Trafficking in Persons Report*.
[773] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.
[774] 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 Government of Burkina Faso, *Penal Code, Section IV-Offenses against Public Morals*, (April 13, 1946), Articles 334, 334-1; available from http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf. For currency conversion, see FX Converter.
[775] Article 334-1 of the Burkina Faso Penal Code makes illegal the *regular* contribution to the corruption of a juvenile under age 21 and the *occasional* contribution to the corruption of a juvenile under age 16. See *Government of Burkina Faso Penal Code*.
[776] Ibid., Articles 334 and 334-1.
[777] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Sections 5, 6d. See also *Code du Travail*, Articles 388, 390. For currency conversions, see FX Converter.
[778] U.S. Embassy- Ouagadougou, *reporting,* August 26, 2004.
[779] In November 2004, two courts were set up, and more are envisioned. See Save the Children-Canada, *Training and Education Against Trafficking (TREAT), March 2005 TPR*, technical progress report, Toronto, March 11, 2005, 3.
[780] U.S. Department of State, *Trafficking in Persons Report*.

The Government of Burkina Faso participates in a regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[781] The government also takes part in a USD 3 million USDOL-funded education initiative to promote education for victims of child trafficking and children at risk of being trafficked,[782] and a USD 3 million regional USDOL-funded ILO-IPEC project to combat child labor in small-scale gold mining.[783] The U.S. Department of State is funding an ILO-IPEC project in Burkina Faso to provide socioeconomic rehabilitation to 70 trafficked children. The Government of Burkina Faso is also participating in an ILO-IPEC project funded by France to combat child labor in Francophone Africa,[784] as well as one funded by Denmark to combat trafficking in children for labor exploitation in Benin, Ghana, and Burkina Faso.[785] In addition, the government is collaborating with ILO-IPEC to conduct a survey of child labor in the country.[786]

The government works to raise awareness among children and parents about the dangers of child trafficking.[787] With funding from UNICEF, the government produced a TV and radio series on child labor and child trafficking.[788] There is one reintegration center in the capital for at risk children, and the government has collaborated with UNICEF to establish 19 transit centers throughout the country for trafficked children. The government also cooperates with NGOs and international organizations to reintegrate child trafficking victims.[789] The government supports Vigilance and Surveillance Committees throughout the country and has trained them on how to identify and assist trafficking victims. As a result of the bilateral agreement Burkina Faso signed with Mali in 2004 to combat cross-border child trafficking, 20 trafficked children were repatriated.[790] In July 2005, Burkina Faso was one of 9 countries to sign a multilateral cooperative agreement to combat child trafficking in West Africa.[791]

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[781] The regional child trafficking project covers Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA), Project Summary*, 2004.
[782] The four year project began in August 2003. U.S. Department of Labor - International Child Labor Program, *Training and Education Against Trafficking (TREAT), Project Summary*, 2003.
[783] The 39-month project, funded in September 2005, covers Burkina Faso, Niger and, to a lesser extent, Mali. See ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa*, project document, Geneva, September 30, 2005.
[784] The countries participating in this project include Benin, Burkina Faso, Madagascar, Mali, Morocco, Niger, Senegal, and Togo.
[785] ILO- IPEC official, email communication to USDOL official, November 8, 2005.
[786] ILO-IPEC, *IPEC Action Against Child Labour - Highlights 2004*, online, Geneva, October 2004, 20; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.
[787] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 6d.
[788] U.S. Embassy- Ouagadougou, *reporting*, September 30, 2005.
[789] U.S. Department of State, *Trafficking in Persons Report*.
[790] The Committees have been established in 39 of the country's 45 provinces. See Ibid.
[791] *Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa,* July 27, 2005. *See also* Save the Children-Canada, *Training and Education Against Trafficking (TREAT), September 2005 TPR*, technical progress report, Toronto, September 5, 2005, 3.

The Government of Burkina Faso is implementing a 10-Year Basic Education Development Plan (2001-2010) as part of its Poverty Reduction Strategy supported by the World Bank.[792] The plan focuses on improving primary school enrollment and attendance as well as literacy rates.[793] The World Bank is supporting the plan through a project that focuses on improving access to and quality of basic education, and improving management and capacity within the Ministry of Education.[794] The government is also working in partnership with the Millennium Challenge Corporation to improve girls' primary education completion rates in the 10 provinces with the lowest completion rates.[795] At a regional conference in Ethiopia in September 2005, the government pledged to place a high priority on education in rural areas when working to meet their poverty eradication targets.[796]

UNICEF also works with the government to construct satellite schools in an effort to improve access to basic education.[797] The government promotes primary education for girls by implementing school feeding programs and information campaigns to change attitudes about sending girls to school. It also encourages scholarships from donors.[798] In addition, the Government of Burkina Faso is utilizing USD 12.1 million provided by the U.S. government to improve girls schooling, including building wells, latrines, and community nurseries in schools.[799]

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[792] Burkina Faso Ministry of Economy and Development and Ministry of Finance and Budget, *Burkina Faso Poverty Reduction Strategy Paper: Progress Report 2001*, The World Bank, September, 2002. See also, Integrated Regional Information Networks, *BURKINA FASO: Focus on New Plan for Basic Education,* [online] September 23, 2002 [cited July 1, 2005]; available from http://www.irinnews.org/report.asp?ReportID=30039.

[793] See U.S. Embassy- Ouagadougou, *reporting,* August 26, 2004.

[794] The 5-year project, which includes construction of primary schools and teacher training, began in 2002. See World Bank, *Basic Education Sector Project,* [online] n.d. [cited June 20, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=343876&menuPK=343908&Projectid=P000309.

[795] The 2-year project will include the construction of 132 schools, including latrines, wells and canteens, as well as housing and incentives for teachers. See Millennium Challenge Corporation, *Millennium Challenge Corporation Board Approves First Threshold Program*, press release, Washington, DC, July 8, 2005; available from http://www.mcc.gov/public_affairs/press_releases/pr_070805.shtml. See also U.S. Embassy- Ouagadougou official, email communication to USDOL official, September 30, 2005.

[796] Liz Ford, "African countries pledge to improve rural education," *Guardian Unlimited* (London), September 9, 2005; available from http://education.guardian.co.uk/print/0,3858,5282047-111787,00.html.

[797] UNICEF, *At a glance: Burkina Faso,* UNICEF, [online] n.d. [cited June 20, 2005]; available from http://www.unicef.org/infobycountry/burkinafaso.html.

[798] U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

[799] Save the Children-Canada, *TREAT, September 2005 TPR*, 3.

Burundi

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 7/19/2000	
Ratified Convention 182 6/11/2002	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

An estimated 31.2 percent of children ages 5 to 14 years were counted as working in Burundi in 2000. Approximately 32.3 percent of all boys 5 to14 were working compared to 30.1 percent of girls in the same age group.[800] Children work in subsistence agriculture, the informal sector, domestic services, mining and brick-making industries, and family-based businesses.[801] The Ministry for the Promotion of Women and for Social Action estimated that there were approximately 5,000 street children in Burundi at the end of 2004.[802] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 54.6 percent of the population in Burundi were living on less than USD 1 a day.[803]

Reports indicate that underage soldiers continue to serve among the ranks of government and rebel armed forces. Reports indicate that rebel groups recruit children; the government stopped conscripting children in 2004. Some underage children reportedly join the government armed forces using falsified documents. These children engage in combat and work as spies, domestic workers,[804] and porters. Girls in some armed groups are forced to provide sexual services.[805] In May 2004, UNICEF estimated that approximately 3,000 child soldiers continued to serve in government or former rebel groups.[806]

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[800] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[801] U.S. Department of State, *Country Reports on Human Rights Practices - 2004: Burundi*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41591.htm. See also J Wakana G Rwamaheke, T Barihuta, G Nkenguburundi, *Burundi's experience in the reduction of the HIV/AIDS impact on orphans*, online, National AIDS Council, Bujumbura, Burundi, July 12, 2004; available from http://www.iasociety.org/print.asp?abstract_id=2171384.

[802] U.S. Department of State, *Country Reports- 2004: Burundi*, Section 5.

[803] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[804] U.S. Department of State, *Country Reports- 2004: Burundi*, Sections 5 and 6d.

[805] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Burundi*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=761.

[806] Estimates on the number of child soldiers vary by organization, and changed throughout the year, partly reflecting the results of demobilization efforts. The demobilization effort is coordinated by the Transitional Government's National Structure for the Disarmament, Demobilization, Reintegration, and Prevention of

Burundi is a source and transit country for children trafficked for exploitation in forced soldiering. Street children, children from broken or displaced families, and children living in refugee camps are believed to be especially vulnerable to trafficking.[807] Child soldiers from Burundi also serve as soldiers in the Democratic Republic of the Congo.[808]

Primary education is now free in Burundi.[809] In August of 2005, the President of Burundi announced the government's decision to eliminate all fees for primary school.[810] Over 500,000 new children enrolled in primary school for the 2005-2006 school year, prompting the government to postpone the first day of classes for Grade 1 students in areas throughout Burundi, due to shortages of classroom space.[811] Schooling is compulsory until the age of 12, but this requirement is not enforced.[812] In 2002, the gross primary enrollment rate was 77 percent, and the net primary enrollment rate was 57 percent.[813] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 41.9 percent of children ages 5 to14 years were attending school.[814] As of 2001, 68 percent of children who started primary school were likely to reach grade 5.[815] Enrollment and attendance have been adversely affected by the military conflict. In some areas, schools have been destroyed, populations displaced, teachers killed, and students traumatized. Finding qualified teachers to work in some parts of the country

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Child Soldiers. See U.S. Department of State, *Country Reports- 2004: Burundi*, Section 5. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Burundi*.

[807] U.S. Department of State, *Country Reports- 2004: Burundi*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also ECPAT International CSEC Database, http://www.ecpat.net (Burundi; accessed June 20, 2005).

[808] Amnesty International, *Burundi: Child soldiers- the Challenge of Demobilisation*, March 2004; available from http://web.amnesty.org/library/print/ENGAFR160112004.

[809] Aloys Niyoyita, "Burundi schools packed after fees scrapped," *The Seattle Post-Intelligencer*, September 19, 2005; available from http://seattlepi.nwsource.com/printer/ap.asp?category=1105&slug=Burundi%20Free%20Education [hard copy on file].

[810] Ibid.

[811] BBC News, "Burundians flock to free schools", [online], September 19, 2005 [cited January 12, 2006]; available from http://news.bbc.co.uk/1/hi/world/africa/4260092.stm. The education and culture ministry has estimated that Burundi needs 2,400 new classrooms and 2,400 new teachers to provide education to the influx of new students. Integrated Regional Information Networks, "Burundi: Free schooling starts with huge logistical problems", IRINnews.org, [online], September 19, 2005 [cited December 10, 2005]; available from http://www.irinnews.org/print.asp?ReportID=49129. In another report, the government indicated that it needed to hire up to 3,500 new teachers. See Niyoyita, "Burundi schools packed."

[812] U.S. Department of State, *Country Reports- 2004: Burundi*.

[813] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[814] *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECEF-Burundi 2000)*, Institut de Statistiques et d'Etudes Economiques du Burundi, March, 2001, 20; available from http://www.childinfo.org/MICS2/newreports/burundi/burundi1.pdf.

[815] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

continues to be a challenge.[816] The conflict and the rising incidence of HIV/AIDS have left many children orphaned or homeless and, as a result, less likely to attend school.[817]

Child Labor Law and Enforcement

The Labor Code sets the minimum age for employment at 16 years. There is a gap between the minimum legal age that children are allowed to work and the age at which schooling is no longer compulsory, 12 years. Exceptions are made for light, non-hazardous work or apprenticeships, provided that the work is not dangerous to the health of the child and does not interfere with normal childhood development or education.[818] Children under the age of 18 are prohibited from working at night.[819] Since 1999, the Government of Burundi has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.
[820] The Labor Code amendment of 1993 calls for inspections of workplaces and permits medical examination to determine if a child's work causes undue physical stress.[821] According to the U.S. Department of State, the Ministry of Labor only enforces child labor laws when complaints are filed.[822]

The worst forms of child labor may be prosecuted under different statutes in Burundi. The Penal Code prohibits prostitution.[823] The minimum age of compulsory recruitment to armed forces is 16. Recruitment of children under 15 is considered a war crime and violators may face the death penalty.[824] The law does not specifically prohibit trafficking; however, traffickers can be prosecuted under laws against assault, kidnapping, smuggling, rape, prostitution, slavery, and fraud.[825] Child protection laws

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[816] U.S. Department of State, *Country Reports- 2004: Burundi*, Section 5. See also Tony Jackson, *Equal Access to Education a peace imperative for Burundi*, International Alert, London, September, 2000, 8-9; available from http://www.international-alert.org/pdf/pubgl/burun_ed_en.pdf.
[817] U.S. Department of State, *Country Reports- 2004: Burundi*, Section 5. See also S. Lyon L. Guarcello, F. Rosati, *Orphanhood and Child Vulnerablility: Burundi*, Understanding Children's Work, September 2004; available from http://www.ucw-project.org/pdf/publications/Burundi_orphans_countryreports.pdf.
[818] *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*, Article 126; available from http://natlex.ilo.org/txt/F93BDI01.htm.
[819] Ibid., Article 119. Reports indicate that many children, however, do work at night in the informal sector. See U.S. Department of State, *Country Reports- 2004: Burundi*, Section 6d. See also U.S. Embassy- Bujumbura, *reporting*, August 18, 2003.
[820] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[821] *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*. See also U.S. Embassy-Bujumbura, *reporting,* August 18, 2003. See also U.S. Department of State, *Country Reports- 2004: Burundi*, Section 6d.
[822] U.S. Department of State, *Country Reports- 2004: Burundi*., Section 6d.
[823] An individual who entices or forces a person under the age of 21 into prostitution faces a fine of 10,000 to 100,000 francs (USD 9.30 to 93.04) and a prison sentence of up to 15 years. See Government of Burundi, *Offenses Against Public Morals*; available from http://209.190.246.239/protectionproject/statutesPDF/BurundiF.pdf. See also ECPAT International CSEC Database, (Burundi).
[824] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Burundi*.
[825] The Ministry of Reinsertion, Repatriation, and Reintegration and the Ministry of Institutional Reform, Human rights, and Parliamentary relations have responsibility for combating trafficking. See U.S. Department of State, *Country Reports- 2004: Burundi*. Section 5. If prosecuted under anti-slavery

are reportedly difficult to enforce due to instability within the country.[826] According to the U.S. Department of State, the Government of Burundi is making significant efforts to comply with the minimum standards for the elimination of trafficking.[827]

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

As of February 2005, the National Structure for the Disarmament, Reintegration, and Prevention of Child Soldiers (SNES) had demobilized and reintegrated 2,920 child soldiers. The government worked with international organizations and NGOs to help reintegrate former child soldiers into civilian life by providing many types of material support. The government also conducted awareness-raising campaigns to facilitate former child soldiers' reintegration into their local communities. The SNES conducted additional awareness-raising campaigns to prevent the further recruitment and use of child soldiers, with support from UNICEF, the World Bank, and NGOs.[828] The larger Burundi Emergency Demobilization, Reinsertion and Reintegration Program was launched in December 2004, and provides reintegration assistance to both adults and children.[829] Burundi is one of seven countries participating in a USDOL-funded ILO-IPEC program to prevent the involvement of children in armed conflict and support the rehabilitation of former child soldiers.[830] A *Juvenile Bureau* of the police protects children against abuse and sexual exploitation.[831]

In coordination with UNICEF, the Government of Burundi launched the "Back to School" campaign in late 2004 that aims to increase enrollment in primary schools.[832] The World Bank is funding several projects that include education components.[833]

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legislation, trafficking for the purpose of sexual exploitation may be punished by life imprisonment or death. See U.S. Department of State, *Trafficking in Persons Report*.

[826] ECPAT International CSEC Database, (Burundi).

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

[828] Awareness raising campaigns include national media campaigns as well as training and advocacy at local levels. See Ibid.

[829] This program is funded in part by the World Bank. See World Bank, *Demobilization Starts in Burundi*, press release, Bujumbura, December 3, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20292016~menuPK:34467~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

[830] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, Geneva, September 17, 2003.

[831] ECPAT International CSEC Database, (Burundi).

[832] UNICEF, *Burundi's children back to school after years of conflict*, online, UNICEF, Bujumbura, October 14, 2004; available from http://www.unicef.org/media/media_23640.html.

[833] World Bank Projects Database, http://www.worldbank.org (Public Works and Employment Creation Project; accessed June 21, 2005), World Bank Projects Database, http://www.worldbank.org (Second Social Action Project; accessed June 21, 2005), World Bank Projects Database, http://www.worldbank.org (Supplemental Grant - Second Social Action Grant; accessed June 21, 2005), World Bank Projects Database, http://www.worldbank.org (Multisectoral HIV/AIDS Control and Orphans Project; accessed June 21, 2005).

Cambodia

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 8/23/1999	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation and Trafficking)	

Incidence and Nature of Child Labor

An estimated 44.8 percent of children ages 5 to 14 years were counted as working in Cambodia in 2001. Approximately 45 percent of all boys 5 to 14 were working compared to 44.6 percent of girls in the same age group. The majority of working children were found in the agricultural sector (76.5 percent), followed by services (17.7 percent), manufacturing (4.9 percent) and other sectors (0.9 percent).[834] Children work in hazardous conditions on commercial rubber plantations, in salt production, in fish processing, portering, brick-making,[835] and as garbage pickers.[836] Street children engage in scavenging, begging, and shoe polishing.[837] Children, primarily girls, also work as domestic servants. Most of these child domestics are girls ages 14 to 17, though it is not uncommon to find them as young as 8 or 9; they typically work 12 to 16 hours a day, 7 days a week.[838] Child labor is one of many problems associated with poverty. In 1997, the most recent year for which data are available, 34.1 percent of the population in Cambodia were living on less than USD 1 a day.[839]

Cambodia is reported to be a country of origin, transit, and destination for trafficking in children for the purposes of commercial sexual exploitation and various other forms of

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[834] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources."

[835] ILO-IPEC, *Support to the Cambodian National Plan of Action on the Elimination of the Worst Forms of Child Labour: A Time-bound Approach*, project document, Geneva, September, 2004, v. See also ILO-IPEC, *Combating Child Labor in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Centers in Cambodia*, project document, Geneva, 2001.

[836] Chea Pyden, "Children Working in the Garbage Dumps and as Domestic Child Workers in Cambodia," *Child Workers in Asia* 16 no. 1 (January-April 2000); available from http://www.cwa.tnet.co.th/Publications/Newsletters/newsletterv16_1.html. See also Antonio Graceffo, *The Children of the Garbage Fields of Phnom Penh,* Tales of Asia, [online] n.d. [cited May 20, 2005]; available from http://www.talesofasia.com/rs-36-garbage.htm.

[837] UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33, 39.

[838] Ibid., 40-41. See also ILO, *Child Domestic Labour in Cambodia: Why it has to Stop and How we can Stop it*, Phnom Penh, 2004; available from http://www.ilo.org/public/english/region/asro/bangkok/library/download/pub04-12.pdf.

[839] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

work, including forced labor and begging. Cambodian children are trafficked to Thailand and Malaysia, and Vietnamese children are trafficked to Cambodia, for the purpose of commercial sexual exploitation or forced labor.[840] Children are also exploited in pornography.[841]

Article 68 of the Constitution guarantees the right to 9 years of free, non-compulsory education to all citizens.[842] However, costs such as uniforms, books, fees, and teacher demands for unofficial fees make schools unaffordable for many families.[843] In 2002, the gross primary enrollment rate was 124 percent and the net primary enrollment rate was 93 percent.[844] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 69.5 percent of children ages 5-14 years were attending school.[845] As of 2001, 61 percent of children who started primary school were likely to reach grade 5.[846] Education is often inaccessible to minority groups who do not speak Khmer, as classes are conducted only in that language.[847] While girls legally have equal access to schooling, many families with limited income choose to send male children rather than females, and the distance some must travel to school is a deterrent for families who fear for the safety of female children.[848]

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[840] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Cambodia*, Washington, DC, February 28, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41638.htm. See also ECPAT International CSEC Database, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database (Cambodia; accessed May 24, 2005).

[841] U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 5.

[842] *Constitution of the Kingdom of Cambodia*, 2nd Plenary Session (September 21, 1993); available from http://www.oefre.unibe.ch/law/icl/cb00000_.html. See also U.S. Embassy- Phnom Penh, *reporting*, August 23, 2004.

[843] U.S. Embassy- Phnom Penh, *reporting*, November 6, 2003.

[844] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[845] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[846] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed October 2005).

[847] Asian Development Bank, *Health and Education Needs of the Ethnic Minorities in the Greater Mekong Subregion*, Manila, 2001, 9; available from http://www.adb.org/Documents/Studies/Health_Education_GMS/default.asp. See also Jan Noorlander, Khat Samal, Keo Sohout, *Highland Children's Education Project (HCEP): Ratanakiri Province, Cambodia*, 2003; available from http://www.sil.org/asia/ldc/parrallel_papers/noorlander_%20samal_and_%20sohout.pdf.

[848] U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 5.

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Cambodia. The Labor Law sets the minimum age for employment at 15 years,[849] although a later 1999 ministerial decree set the minimum age at 14 years.[850] The Labor Law allows children ages 12 to 15 years to perform light work that is not hazardous and does not affect regular school attendance or participation in other training programs.[851] Employers who violate the law may be fined 31 to 60 days of the base daily wage.[852] Night work is generally prohibited for children.[853] The Labor Law prohibits work that is hazardous to the mental and physical development of children under the age of 18[854] and prohibits all forced or compulsory labor, including in agriculture and domestic work.[855] A *Prakas* (Ministerial Order) on the Prohibition of Hazardous Child Labor lists 38 types of hazardous work such as tanning, logging, chemical use in textile production, etc., in which children under age 18 are not permitted to work. The *Prakas* separately identifies domestic work as hazardous, states children under age 12 shall not carry out domestic work, and sets guidelines for children ages 12 to 14 undertaking domestic work. Additionally it states no one under age 18 shall work in underground mines or quarries, or work during the hours of 10:00 pm and 5:00 am.[856] Lists of working children must be kept by employers and submitted to labor inspectors, and children who have parents or guardians must have their consent in order to work.[857]

The Cambodian Constitution prohibits prostitution and the trafficking of human beings.[858] The 1996 Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings penalizes brothel owners, operators, and individuals who prostitute others with prison terms of between 10 to 20 years, depending on the age of the

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[849] *Cambodian Labor Law*, (March 13, 1997), Article 177(1); available from http://www.bigpond.com.kh/Council_of_Jurists/Travail/trv001g.htm.
[850] U.S. Embassy- Phnom Penh, *reporting*, August 30, 2005.
[851] *Cambodian Labor Law*, Article 177(4).
[852] The base daily wage is defined by the law as "the minimum wage set by a joint *Prakas* [Ministerial Order] of the Ministry in charge of Labour and the Ministry of Justice." *Cambodian Labor Law*, Articles 360, 368.
[853] Ibid., Articles 175-176.
[854] Ibid., Article 177(2). See also U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 6d. U.S. Embassy- Phnom Penh, *reporting,* November 6, 2003.
[855] The law also prohibits hiring people to work to pay debts. *Cambodian Labor Law*, Articles 15-16.
[856] A *Prakas* is a Ministerial Order. The government issues such orders, decrees, and circulars to clarify regulations that are not explicitly contained in existing relevant legislation. The Labor Advisory Committee has been tasked with defining the criteria for "light" and "hazardous" work in Cambodian legislation, but has not completed this task. See U.S. Embassy- Phnom Penh, *reporting,* August 30, 2005. See also Kingdom of Cambodia's Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MoSALVY), *Prakas on the Prohibition of Hazardous Child Labor*, Prakas No. 106, (April 28, 2004). In July 2004, there was a governmental reorganization and MOSALVY was divided into two ministries, including the Ministry of Labor and Vocational Training (MOLVT), which is currently responsible for enforcement of child labor issues, and Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSAVY).
[857] *Cambodian Labor Law*, Articles 179, 181.
[858] The Constitution refers to "the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women." *Constitution*, Article 46.

victim.[859] The Law outlaws acts of debauchery, though the legal definition of debauchery does not explicitly include pornography. However, the courts have prosecuted several cases of child pornography under this law.[860] The minimum age for conscription into military service is 18 years.[861]

Since 1999, the Government of Cambodia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[862]

The Ministry of Labor and Vocational Training (MOLVT) is responsible for enforcing child provisions of the Cambodian Labor Law.[863] Since 2000, questions on child labor have been incorporated into routine labor inspections.[864] However, the Labor Law only applies to formal employer-employee relationships, not covering many areas of informal sector work, where the most serious child labor problems exist.[865] No employer has ever been prosecuted for violating child labor laws.[866] Local police are responsible for enforcing laws against child trafficking and prostitution;[867] however, the U.S. Department of State reports that counter-trafficking efforts are hampered by corruption, a weak judiciary system, lack of transparency, inadequate resources, and staffing shortages. Some improvement was indicated in prosecution and conviction rates in 2004.[868] In September 2005, the President determined that due to Cambodia's continued failure to meet standards established in the U.S. Trafficking Victims Protection Act, it would be subject to restrictions on certain non-humanitarian and non-trade assistance.[869]

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

The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) Action Program 2004-2008 places strong emphasis on child welfare and protection. Specific issues include combating child labor and trafficking, development of national plans, and

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[859] The Law also stipulates 10 to 15 years of imprisonment for traffickers and their accomplices. If the victim is under 15 years, violators face penalties of 15 to 20 years of imprisonment. *Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings*, Royal Decree No. 0296/01, (1996), Article 3.
[860] U.S. Embassy- Phnom Penh, *reporting,* August 30, 2005.
[861] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Cambodia*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=848.
[862] ILO-IPEC official, email communication to USDOL official, November 14 2005.
[863] U.S. Embassy- Phnom Penh, *reporting,* August 23, 2004.
[864] U.S. Embassy- Phnom Penh, *reporting*, December 6, 2001.
[865] U.S. Embassy- Phnom Penh, *reporting,* November 6, 2003. The Labor Law does not cover family business, begging, scavenging, hauling, day labor, the commercial sex industry, or participation in any illegal activities. See U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 6d.
[866] U.S. Embassy- Phnom Penh, *reporting,* August 30, 2005.
[867] U.S. Embassy- Phnom Penh, *reporting,* August 23, 2004.
[868] U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 6d. See also U.S. Department of State, *Trafficking in Persons Report*.
[869] U.S. Department of State, *Trafficking in Persons: Country Reassessments*, September 22, 2005; available from http://state.gov/g/tip/rls/other/53913.htm. See also U.S. Department of State, *reporting*, September 1, 2005.

improving enforcement mechanisms for violators of child labor and trafficking laws.[870] The Government of Cambodia is undertaking a final assessment of its first 5-year plan against trafficking and sexual exploitation of children in order to finalize and implement its second 5-year plan (2005-2009).[871] The 2005-2009 Plan would expand the scope of the initial plan to include trafficking for both sexual and labor exploitation purposes.[872] The 2003-2005 National Poverty Reduction Strategy (NPRS) identifies combating child labor, trafficking and prostitution as a strategic objective and defines measures to address these problems.[873]

The Government of Cambodia has signed a memorandum of understanding (MOU) with the Government of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women.[874] The Government of Cambodia also signed a similar MOU with the Government of Vietnam in October 2005.[875] Additionally, Cambodia is signatory to a multilateral MOU pledging cooperation on trafficking. Other signatories to this "Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)" include Burma, Laos, Peoples Republic of China, Thailand, and Vietnam. The members held their first meeting in March 2005 to draft their Sub-regional Plan of Action.[876]

The Government of Cambodia is participating in a USD 4.75 million USDOL-funded Timebound Program supported by ILO-IPEC to eliminate child labor in specified worst forms, and to create a platform for eliminating all forms of child labor. The program targets children involved in the brick-making, portering, rubber-making, domestic work, salt production, fish processing, and services.[877] Cambodia is also part of a USDOL-funded global project that aims to substantially reduce the engagement of children ages 5

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[870] Veterans and Youth Rehabilitation (MOSAVY) Kingdom of Cambodia's Ministry of Social Affairs, *Action Program 2004-2008*.

[871] ILO, *Cambodia Reviews Five Years of Counter Trafficking Efforts--Prepares for New Plan of Action,* [online] May 19, 2005 [cited May 19, 2005]; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm. See also World Education, *OPTIONS: Combating Child Trafficking and Commercial Sexual Exploitation through Education*, status report, September 30, 2005, 5. As of the end of 2005, this plan had not been officially passed.

[872] ILO-IPEC, *Support to the Cambodia National Plan of Action on the Elimination of the Worst Forms of Child Labor: A Time Bound Approach*, technical progress report, Geneva, March, 2005.

[873] Kingdom of Cambodia's Council for Social Development, *National Poverty Reduction Strategy 2003-2005*, December 20, 2002.

[874] Ministry of Foreign Affairs and International Cooperation, "Joint Cambodian-Thai Cabinet Retreat," *Information Bulletin* 58 (May 31, 2003); available from http://www.embassy.org/cambodia/press/052003.pdf.

[875] U.S. Embassy-Phnom Penh official, email communication to USDOL official, August 11, 2006.

[876] The MOU was signed October 2004. See Human Trafficking.org, *COMMIT Senior Officials Meeting 3,* [online] September 2005 [cited September 21, 2005]; available from http://www.humantrafficking.org/collaboration/regional/eap/events/2005_03/commit_mtg.html. See also Human Trafficking.org, *Six Asian Countries Cooperate in Fight Against Human Trafficking,* September 2005 2005 [cited September 21, 2005]; available from http://www.humantrafficking.org/collaboration/regional/eap/news/2005_03/six_countries_cooperate.html.

[877] ILO-IPEC, *Support to the Cambodian National Plan of Action, project document*.

to 17 in the worst forms of child labor.[878] USDOL has also launched a USD 3 million project that focuses on providing education opportunities to those children who have been or have the potential to be trafficked.[879]

There are several governmental agencies that have on-going programs to address the needs of children vulnerable to exploitation in the worst forms of child labor. The Ministry of Women's Affairs (MWA) and the Ministry of Tourism (MOT), in collaboration with NGOs, work to combat sex tourism.[880] In September, the MOT teamed with the ILO to promote "Child Safe" tourism policies to prevent trafficking of women and children for labor and sexual exploitation.[881] The Ministry of Interior operates an anti-trafficking hotline.[882] MOSAVY works with UNICEF and IOM to return trafficked children to their homes. In 2005, 1,082 child victims of trafficking, beggars, porters and other street children were returned to Cambodia and reintegrated into their community.[883] MWA and MOLVT, in conjunction with UNICEF's Community-Based Child Protection Network, work to teach children and community members about the hazards of trafficking, and train individuals to identify potential victims and take action to protect them.[884] MWA and IOM also collaborate on a public information campaign to raise awareness of trafficking.[885] The Cambodian National Council for Children oversees adherence to the Convention on the Rights of the Child, and is working with Save the Children to promote a national mechanism for coordinating all organizations working against child sexual exploitation and trafficking.[886]

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[878] Winrock International, *The Regional Community-based Innovation to Reduce Child Labor through Education (CIRCLE),* [online] September 2005 [cited September 28, 2005]; available from http://www.winrock.org/where/display_country.cfm?CountryID=360.
[879] World Education, *OPTIONS: Combating Child Trafficking and Commercial Sexual Exploitation through Education in Cambodia*, status report, March 2005. The project is scheduled to close August 2007.
[880] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 5.
[881] Ministry of Tourism and ILO, *Ministry of Tourism of the Kingdom of Cambodia and ILO Team Up to advocate Promotion of "Child Safe" Tourism Policies to Prevent Trafficking in Children and Women*, September 22, 2005; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/camtourismnews.pdf. See also People's Daily Online, *Cambodia Launches Action Plan to Promote "Child-Safe Tourism",* [online] September 22, 2005 [cited December 14, 2005]; available from http://english.people.com.cn/200509/22/eng20050922_210183.html.
[882] U.S. Embassy- Phnom Penh, *reporting,* August 30, 2005.
[883] Ministry of Social Affairs, Veterans and Youth Rehabilitation, trafficking database statistics provided to US Embassy-Phnom Penh, August 11, 2006.. See also International Organization for Migration, *IOM in Cambodia,* [online] n.d. [cited May 24, 2005]; available from http://www.iom-seasia.org/index.php?module=pagesetter&func=printpub&tid=6&pid=44.
[884] MOSALVY and UNICEF, *Child Protection Network: Findings and Recommendations of the External Evaluation*, Phnom Penh, January 2004; available from http://www.unicef.org/evaldatabase/files/Cambodia_2004_030_Report_Evaluation_CPN.pdf. Villages in the network also establish "village social funds" that provide vulnerable children with funds to attend school. See UNICEF, *Profiting from Abuse: An Investigation into the Sexual Exploitation of Our Children*, New York, 2001, 24, 26; available from http://www.unicef.org/publications/pub_profiting_en.pdf.
[885] U.S. Department of State, *Country Reports- 2004: Cambodia*, Section 5.
[886] HumanTrafficking.org, *Cambodian National Council for Children,* [online] May 2005 [cited May 24, 2005]; available from http://www.humantrafficking.org/countries/eap/cambodia/govt/contacts/cncc.html.

Cambodia is included in a regional ILO-IPEC anti-trafficking project with funding from the Government of Japan and the UK.[887] In addition to ongoing anti-trafficking funding from the U.S. Embassy in Cambodia, the U.S. Presidential Anti-Trafficking in Persons Initiative allocated USD 5.6 million to support programs to combat trafficking in Cambodia through 2006.[888] Cambodia also participates in a project between ASEAN and AUSAID on the elimination of trafficking in women and children in four Southeast Asian countries and China's Yunnan Province.[889]

The Government of Cambodia is implementing its Education Strategic Plan (ESP) 2004-2008. The plan prioritizes expanding access to quality education, non-formal education skills training for young people, and upper secondary and post-secondary education opportunities.[890] The ESP is carried out in conjunction with the Education Sector Support Program (ESSP) 2002-2006. The ESSP is considered a companion to the ESP, and focuses on programs and activities to achieve Education for All by 2015.[891] The Ministry of Education, Youth and Sport (MOEYS) is implementing priority action programs through 2006 that operate nationwide and include activities such as HIV/AIDS education, non-formal education expansion, and program monitoring and capacity building.[892] The Non-Formal Education Department within MOEYS focuses on improving the reach, quality and impact of non-formal education to meet the needs of people of all ages, including working children.[893]

The government also works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school.[894] The ADB is providing support to MOEYS' efforts to implement its ESP 2004-2008, which includes technical assistance for nationwide policy reforms, community-based skills training for

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[887] The project focuses on substantially reducing the trafficking of women and children for labor and sexual exploitation. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women: Project Overview,* [online] n.d. [cited May 20, 2005]; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/projectoverview-history.htm. See also ILO, "A Global Alliance against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work" (paper presented at the International Labor Conference, 93rd Session, Geneva, 2005).
[888] U.S. Embassy- Phnom Penh, *reporting,* August 23, 2004.
[889] Under this project, special anti-trafficking units have been established with national law enforcement agencies. Additionally the project strengthens regional cooperation and legal policy frameworks. Australian Embassy Bangkok, *AUSAID Program in Thailand Overview,* [online] May 2005 [cited May 20, 2005]; available from http://www.austembassy.or.th/agency/ausaid/overview_eng.php.
[890] Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Education Strategic Plan 2004-2008*, Phnom Penh, September 2004, Foreword.
[891] Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Revised Education Sector Support Program 2002-2006*, October 2002, 7-8.
[892] Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 26; available from http://www.moeys.gov.kh/education_sector_support_program/ESSP%202002/Main%20Review%20Documents/ESSP2002_MainReview.htm.
[893] Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Revised Education Sector Support Program*, 49-51.
[894] U.S. Embassy- Phnom Penh, *reporting,* November 6, 2003.

out-of-school youth, and an initiative to increase equitable access to education.[895] ADB supports two other education projects. The first focuses on educational assistance to girls and indigenous populations through awareness raising and the development of scholarship programs for lower secondary schooling.[896] The second aims to improve primary school access in disadvantaged communities through community mobilization, capacity building, and facilities improvements.[897] The World Bank launched a Basic Education Project in support of the government's ESSP, addressing access to education issues and targeting the most disadvantaged.[898] The World Bank also signed a grant in September 2005, funded through the Japan Social Development Fund, which will support the government's efforts to provide basic education services to girls, disabled children, and other marginalized groups.[899] The USAID has an ongoing basic education program focused on improving the quality and proficiency of the education system.[900]

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[895] The ADB is providing at total of USD 62.9 million to these efforts. The first *Education Sector Development* is scheduled to end November 2007 and the follow-on *Second Education Sector Development* is scheduled to end December 2009. ADB, *Education Sector Development Program,* (LOAN: CAM 33396-01), [online] December 15, 2001 [cited May 20, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/333996013.ASP.; ADB, *Education Sector Development Project,* (LOAN: CAM 33396-02), [online] December 15, 2001 [cited May 20, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP. ADB, *Second Education Sector Development Program,* (LOAN: CAM 34388-02), [online] January 4, 2005 [cited May 20, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/34388013.ASP. ADB, *Second Education Sector Development,* (LOAN: CAM 34388-02), [online] January 4, 2005 [cited May 20, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/34388023.ASP.

[896] The ADB provided a grant of USD 3 million from the Japan Fund for Poverty Relief; the project is slated to end in October 2005. ADB, *Cambodia: Targeted Assistance for Education of Poor Girls and Indigenous Children,* (GRANT: CAM 36152-01), [online] December 11, 2002 [cited May 20, 2005]; available from http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP.

[897] The ADB provided a grant of USD 1.87 million from the Japan Fund for Poverty Relief; the project targets girls and ethnic minorities and is slated to end in December 2007. ADB, *Cambodia: Improving Primary School Access in Disadvantaged Communities,* (GRANT CAM: 38107-01), [online] March 7, 2005 [cited May 20, 2005]; available from http://www.adb.org/Documents/Profiles/GRNT/38107012.ASP.

[898] The project was approved May 12, 2005 and is expected to close December 2010. World Bank, *Basic Education Project,* [online] n.d. [cited May 23, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070668.

[899] World Bank, *Cambodia: Grant Agreement Signed to Support Basic Education,* [online] September 13, 2005 [cited September 13, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/EXTEAPREGTOPEDUCATION/0,contentMDK:20644227~menuPK:444335~pagePK:34004173~piPK:34003707~theSitePK:444289,00.html.

[900] USAID, *Budget,* [online] January 14, 2005 [cited May 23, 2005]; available from http://www.usaid.gov/policy/budget/cbj2005/ane/kh.html.

Cameroon

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 8/13/2001	
Ratified Convention 182 6/5/2002	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	

Incidence and Nature of Child Labor

An estimated 15.9 percent of children ages 10 to 14 years were working in Cameroon in 2001. Approximately 14.5 percent of all boys 10 to 14 were working compared to 17.4 percent of girls in the same age group. The majority of working children were found in the agricultural sector (88.2 percent), followed by services (7.1 percent), manufacturing (2.1 percent), and other sectors (2.6 percent).[901] Only 5 percent of children ages 5 to 14 years worked for wages.[902] Of those children who performed domestic work, 11 percent work more than 4 hours a day on these tasks.[903] According to a study conducted jointly by the ILO, the Ministry of Labor, and NGOs, children in Cameroon work in the agricultural sector in informal activities such as street vending and car washing, as domestic servants, in prostitution, and in other illicit activities.[904] The ILO found that 7 percent of working children in the cities of Yaoundé, Douala, and Bamenda were less than 12 years of age, and 60 percent of these had dropped out of primary school.[905] Children employed in the cocoa industry engage in hazardous tasks such as application of pesticides and use of machetes.[906] Child labor is one of many problems associated with poverty. In 2001, 17.1 percent of the population of Cameroon were living on less than USD 1 a day.[907]

Cameroon is a source, transit, and destination country for the trafficking of women and children for forced labor and sexual exploitation. While most of the trafficking occurs

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[901] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[902] Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, Yaoundé, 2000, 11.

[903] Ibid.

[904] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Cameroon*, Washington, DC, February 25, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41592.htm.

[905] Ibid. The study found, however, that the rate of child labor is lowest in the metropolitan areas of Yaounde and Douala. See Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 41.

[906] International Institute of Tropical Agriculture, *Child Labor in the Cocoa Sector of West Africa: A Synthesis of Findings in Cameroon, Cote d'Ivoire, Ghana, and Nigeria,* International Institute of Tropical Agriculture, [online] n.d. [cited December 8, 2005]; available from http://www.iita.org/news/cocoa.pdf.

[907] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

within the country, children are also trafficked to the United Kingdom for commercial sexual exploitation. Girls in particular are trafficked from Anglophone areas to the Francophone cities of Yaoundé and Douala to work as domestics, street vendors or prostitutes.[908] Children are also trafficked internally to work in forced labor in the production of cocoa.[909] Cameroon is a destination country for children trafficked from Nigeria and Benin and a transit country for the movement of children between Nigeria, Gabon, Togo, Chad, Niger, the Central African Republic, and the Republic of Congo, to work as indentured or domestic servants, on farms, and for sexual exploitation.[910] According to a 2004 study by the Institute for Socio-Anthropological Research, children who have been trafficked in Cameroon are forced to work in agriculture, domestic service, sweatshops, bars and restaurants, and in prostitution.[911] There have been credible reports of child slavery in Cameroon, particularly in the Rey Bouba Division of North Province. In some cases, parents offered their young girls to the Lamido (chief) of the Rey Bouba Division as gifts.[912] The Ministry of Social Affairs also reports that children of some large rural families are "loaned" to work as domestic servants, baby sitters, vendors, or prostitutes in urban areas in exchange for monetary compensation.[913]

Education is compulsory through the age of 14 years.[914] Primary school education has been free since 2000,[915] however, families must pay for uniforms and book fees.[916] Tuition and fees at the secondary school level remain unaffordable for many families.[917]

In 2002, the gross primary enrollment rate was 108 percent.[918] Gross enrollment ratios are based on the number of students formally registered in primary school and do not necessarily reflect actual school attendance. In 2001, 84.6 percent of children ages 10 to

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[908] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 10, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/.
[909] Ibid. See also U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 5.
[910] U.S. Embassy- Yaounde, *reporting*, March 2, 2005. See also U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 5.
[911] According to reports, traffickers beat and starve children and threaten to leave them destitute. See U.S. Embassy- Yaounde, *reporting*, March 2, 2005. See also U.S. Department of State, *Country Reports- 2004: Cameroon*.
[912] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 5.
[913] U.S. Embassy- Yaounde, *reporting,* March 2, 2005.
[914] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 5.
[915] U.S. Embassy – Younde Official, email correspondence to USDOL Official, August 17, 2006
[916] Ibid. Government of Cameroon, *Constitution of the Republic of Cameroon*, Law no. 96-06, (January 18, 1996); available from http://www.right-to-education.org. See also Sylvestre Tetchiada, *Schools for Scandal,* February 24, 2004 [cited June 23, 2005]; available from http://www.ipsnews.net/africa/interna.asp?idnews=22537.
[917] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 5.
[918] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

14 years were attending school.[919] As of 2001, 64 percent of children who started primary school were likely to reach grade 5.[920]

Fewer girls enroll in primary school in Cameroon than boys.[921] In 2001, the UN Committee on the Rights of the Child identified a number of problems with the educational system in Cameroon, including rural/urban and regional disparities in school attendance; limited access to formal and vocational education for children with disabilities; children falling behind in their primary education; a high dropout rate; lack of primary school teachers; and violence and sexual abuse against children in schools.[922] Early marriage, unwanted pregnancy, domestic chores and certain socio-cultural biases also contribute to low education rates.[923] Domestic workers are generally not permitted by their employers to attend school.[924]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.[925] The law prohibits youths between the ages of 14 to 18 from moving heavy weights, performing dangerous and unhealthy tasks, and working in confined areas.[926] The Labor Code also specifies that children cannot work in any job that exceeds their physical capacity.[927] Labor law also requires that employers provide training to children between 14 and 18 years.[928] Under the Labor Code, the Labor Inspectorate may require women and children to be examined by a medical professional to make sure their work does not exceed their physical capacity.[929]

The worst forms of child labor may be prosecuted under different statutes in Cameroon. The government does not explicitly prohibit forced or compulsory labor by children.[930] The Penal Code prohibits a person from requiring another person to perform work for which they have not freely applied. Violation of this law is punishable by imprisonment

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[919] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*. Attendance figures do not necessarily indicate that a child is progressing through various grade levels and thus may exceed statistics on persistence to grade 5.
[920] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[921] Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 26.
[922] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Cameroon*, CRC/C/15/Add.164, Geneva, November 6, 2001, para. 54. See Tetchiada, *Scandal*.
[923] U.S. Embassy- Yaounde, *reporting*, August 24, 2004.
[924] U.S. Department of State, *Country Reports- 2004: Cameroon*.
[925] Government of Cameroon, *Labour Code*, Law no. 92/007, (August 14, 1992), Part V, Chapter III, Section 86; available from http://natlex.ilo.org/txt/E92CMR01.htm. See also U. S. Embassy-Yaounde, *reporting*, August 29, 2005.
[926] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 6d.
[927] *Cameroon Labor Code*, Part V, Ch. III, Section 87.
[928] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 6d.
[929] *Cameroon Labor Code*, Part V, Chapter III, Section 87.
[930] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 6c.

of 5 to 10 years and/or a fine.[931] The Penal Code prohibits slavery.[932] The Code also prohibits procuring, as well sharing in the profits from another person's prostitution.[933] The penalty includes fines and prison sentences of up to 5 years, which double if the crime involves a person less than 21 years of age.[934] In December 2005, the National Assembly passed legislation prohibiting child trafficking.[935] Military conscription is not compulsory in Cameroon, and the voluntary recruitment age is 18. Enlistment under age 18 is permitted with parental consent.[936] Since 1999, the Government of Cameroon has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[937]

The Ministry of Social Affairs and the Ministry of Labor enforce child labor laws through site inspections of registered businesses.[938] In 2004, 58 labor inspectors were responsible for investigating child labor cases in Cameroon. However, the U.S. Department of State reports that a lack of resources and inadequate legal provisions covering domestic labor hindered efforts to combat child labor.[939]

The Ministry of Labor, Employment, and Social Insurance (Ministry of Labor), is the government agency responsible for anti-trafficking efforts,[940] including the implementation of a national strategy on child trafficking which involves the participation of 10 governmental agencies.[941]

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

Cameroon is one of five countries collaborating with ILO-IPEC on a USDOL-funded West African regional project to combat hazardous and exploitative child labor in the production of cocoa.[942] With the support of the Department of State, the Government is participating in an ILO designed program to develop anti-trafficking legislation and train law enforcement and judicial officials on anti-trafficking strategies.

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[931] Article 292 as cited in The Protection Project, "Human Rights Report on Trafficking in Persons, especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery," 2002, Article 292; available from http://www.protectionproject.org/human_rights/countryreport/cameroon.htm.
[932] Ibid.
[933] Ibid.
[934] Ibid.
[935] U.S. Embassy – Yaounde Official, email correspondence to USDOL Official, August 17, 2006
[936] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.
[937] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.
[938] U.S. Department of State, *Country Reports- 2004: Cameroon*, Section 6d. See also U. S. Embassy-Yaounde, *reporting,* August 29, 2005.
[939] U. S. Embassy-Yaounde, *reporting,* August 29, 2005.
[940] U.S. Department of State, *Country Reports- 2004: Cameroon*.
[941] U. S. Embassy-Yaounde, *reporting*, August 29, 2005.
[942] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor* project document RAF.02.P50.USA, Geneva, 2002.

The Government of Cameroon has worked over the past year to raise awareness of and working to eliminate the worst forms of child labor. The government has worked closely with the International Labor Organization, UNICEF, and Plan International to better understand the causes of child labor and to find long-term solutions to the problem. The government has also developed revisions to its Family Code that would raise the minimum age for marriage from 15 to 18.[943] Since early marriage is a common threat to girl's completion of education, this can be regarded as a positive government action to support education and anti-child labor efforts.

The Minister of Social Affairs has pledged support for UNICEF, which plans to conduct a sociological study on victims and perpetrators of child trafficking to help address the problem in the country.[944] To raise awareness about the need to combat exploitative child labor, the government participated in various child labor awareness raising activities in conjunction with the ILO's World Day Against Child Labor and Red Card Against Child Labor Initiative and UN's Day of the African Child.[945]

In June 2004, the government collaborated with NGOs to launch several initiatives to issue birth certificates to children to enable school enrollment in Cameroon's northern and central provinces.[946] In August 2004, WFP began a 3-year program to distribute food to female students and their families in the northern and eastern provinces. This program not only helps to mitigate food insecurity in the region, but also encourages girls to attend school in areas with particularly low rates of attendance.[947]

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[943] U. S. Embassy-Yaounde, *reporting,* August 29, 2005.
[944] U.S. Embassy- Yaounde, *reporting,* August 24, 2004.
[945] U. S. Embassy-Yaounde, *reporting*, August 29, 2005.
[946] Ibid.
[947] Ibid.

Cape Verde

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Cape Verde are unavailable.[948] The Ministry of Employment, Training and Social Integration, however, estimates that 3.3 percent of children 5 to 13 years old are engaged in paid or unpaid work inside or outside the home.[949] Children work as street vendors and car washers in urban areas including Mindelo, Praia, and Sal.[950] These children are vulnerable to abuse and commercial sexual exploitation.[951]

Article 73 of the Constitution guarantees the universal right to education, and regulations call for compulsory primary education until the age of 11.[952] Education is free for the first 6 years of primary school, which typically cover the ages of 6 to 12.[953] In 2002, the gross primary enrollment rate was 121 percent and the net primary enrollment rate was 99 percent.[954] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Cape

[948] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[949] Government of Cape Verde, *Cape Verde National Report on Follow Up to the World Summit for Children and Lima Accord*, Ministry of Employment, Training, and Social Integration, Praia, 2000, Annex 1.

[950] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Cape Verde, CRC/C/15/Add.167*, Geneva, October 12, 2001, paras. 57 and 61; available from http://www.hri.ca/fortherecord2001/documentation/tbodies/crc-c-11-add23.htm.

[951] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child, Periodic Reports of States Parties Due in 1994: Cape Verde*, CRC/C/11/Add.23, United Nations, January 2001. See also UN Committee on the Rights of the Child, *Concluding Observations*.

[952] Embassy of the Republic of Cape Verde, e-mail to USDOL official, October 4, 2005. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Cape Verde*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27717.htm.

[953] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Cape Verde*, 2004 [cited February 26, 2004], Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27717.htm.

[954] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

Verde.[955] As of 2001, 88 percent of children who started primary school were likely to reach grade 5.[956]

Child Labor Laws and Enforcement

The Constitution, the Legal Regime for Labor Regulations (decree-law 62/87, as amended by law 10/IV/93), the Civil Code, and the Penal Code regulate child labor in Cape Verde. The minimum age for employment is 16 years, and the minimum age for apprentice contracts is 14 years.[957] The law prohibits children under the age of 16 from working at night or in enterprises that produce toxic products.[958] Children between the ages of 14 and 18 may not work more than 38 hours per week or more than 7 hours per day.[959] The Constitution prohibits children of compulsory school age from working, and forbids the exploitation of child labor.[960] The compulsory recruitment age for military service is 18 years, but 17 year olds may volunteer with parental consent.[961]

The Director-General for Labor and Inspector-General for Labor implement and enforce child labor laws and regulations,[962] while the courts enforce the laws against forced work.[963] The legal remedies for violating child labor laws include civil compensation for the victims, as well as criminal penalties of up to 10.5 years of imprisonment and seizure of the violator's assets. There are no inspectors who deal exclusively with child labor issues.[964]

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

Since 2003, the Government together with UNICEF has been preparing a comprehensive policy and national program of action on child labor. It is not yet completed.[965] These requirements are enforced through awareness raising campaigns, and government supported radio and television programs that promote access to primary schooling and

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[955] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[956] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[957] U.S. Embassy-Praia, *Reporting*, August 26, 2005.
[958] U.S. Department of State, *Country Reports- 2003: Cape Verde*, Section 6d.
[959] Gregorio Semodo, letter to USDOL official, October 26, 2001. See also U.S. Department of State, *Country Reports- 2003: Cape Verde*, Section 6d.
[960] *CONSTITUIÇÃO DA REPÚBLICA, Lei Constitucional n.º 1/V/99 de 23 de Novembro*, Article 89 (2) and (3), (1999); available from http://www.parlamento.cv/constituicao/const00.htm. It is noted that the legal age for employment, 16 years, is inconsistent with the age for completing education requirements, 12 years. See U.S. Department of State, *Country Reports- 2004: Cape Verde*, Section 6d.
[961] *Child Soldiers Global Report 2004: Cape Verde*: http:/www.child-soldiers.org/document_get.php?id=763.
[962] U.S. Embassy- Praia, *reporting, August 26, 2005*.
[963] U.S. Embassy- Praia official, electronic communication to USDOL official, October 4, 2005.
[964] The criminal penalties are outlined in Cape Verde's Penal Code. U.S. Embassy-Praia, *reporting,* August 26, 2005.
[965] Ibid.

enhance its quality and relevance.[966] On June 16, 2005, the Government, in cooperation with UNICEF, organized a meeting on children's rights, in which the need for institutional awareness was recognized.[967]

The Ministry of Education and the World Food Program (WFP) continued to collaborate on primary school feeding programs through 2005.[968] The WFP provides free meals in over 450 primary and pre-primary schools to help boost school enrollment and improve student performance.[969] Government institutes that encourage attendance are ICASE (Instituto Caboverdiano de Accao Social e Escolar), ICM (Instituto Cabo Verdiano de Menores), and ICS (Instituto Caboverdiano de Solidariedade.[970] UNICEF and the Government have also launched a variety of initiatives to improve access to schooling, particularly for girls, including programs that provide educational materials and address gender bias.[971]

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[966] Ibid.
[967] Ibid.
[968] When they are able, local farmers donate surplus crops toward this effort. See WFP, "Cape Verde: How Long Should Support Last?" in *Global School Feeding Report- 2002,* Rome, 2002.
[969] Integrated Regional Information Networks, "Cape Verde: Feeding for the future", IRINnews.org, [online], October 30, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=37546.
[970] Embassy of the Republic of Cape Verde, e-mail to USDOL official, October 4, 2005. ICASE guarantees full meal and school material for the most impoverished children; ICM promotes, protects and enforces all children's rights, amongst them, the right to the basic education; ICS supports social integration of children and teenagers into the school system.
[971] UNICEF, *Girls' Education in Cape Verde,* [online] [cited August 25, 2003]; available from http://www.unicef.org/programme/girlseducation/action/cases/cape_verde.htm.

Central African Republic

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/28/2000	
Ratified Convention 182	6/28/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 61.1 percent of children ages 5 to 14 years were counted as working in the Central African Republic in 2000. Approximately 60.4 percent of all boys 5 to 14 were working compared to 61.7 percent of girls in the same age group.[972] UNICEF reports that 53 percent of children are engaged in work in urban areas and 71 percent of children are engaged in work in rural areas.[973] Although children work in many sectors of the economy, most children work in agriculture.[974] Some children work on farms at school. Such work is reportedly considered to prepare children for agricultural work as adults. The proceeds earned on the farms are used for school supplies and activities.[975] Children also reportedly work alongside adult relatives in diamond fields.[976] In the capital city of Bangui, the number of street children, many of whom are orphaned by HIV/AIDS, is estimated at more than 2,500.[977] Such children are vulnerable to early entrance into work. Street children are engaged in various economic activities including grinding, nuts, selling small items, washing dishes in small eateries, and begging.[978] Children from some indigenous groups are forced into agricultural, domestic and other forms of labor by other ethnic groups in the country.[979]

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[972] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, "Child Economic Activity and School Attendance Rates," (October 7, 2005). Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[973] UNICEF, *L'enfant en Centrafrique, Famille, Sante, Scolarite, Travail*, July, 2004.

[974] Government of the Central African Republic, *Enquête a Indicateurs Multiples en République Centrafricaine (MICS): Rapport Préliminaire*, UNICEF, Bangui, December 2000; available from http://www4.worldbank.org/afr/poverty/pdf/docnav/03307.pdf. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Central African Republic*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41594.htm.

[975] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 6d.

[976] Ibid.

[977] Government of the Central African Republic, *Analyse Causale des Problemes de protection des Enfants de la Rue en Centrafrique*, Ministry of Family and Social Affairs, Bangui, April 2004.

[978] Ibid. See also U.S. Department of State, *Country Reports- 2004: Central African Republic*.

[979] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.

Reports indicate that children fought for both pro-government and rebel forces during the March 2003 coup.[980] Child soldiers were also used by armed groups from neighboring countries operating in the Central African Republic until early 2003.[981] The security situation in the country was generally stable during 2005, and there were no reports of children involved in armed conflict during the year.[982] Children in the Central African Republic are also involved in prostitution.[983]

Children are trafficked to the Central African Republic generally from Chad, Nigeria and Sudan for work in domestic services, small shops, and agriculture.[984] Traveling merchants, herders, and other foreigners working in and transiting through the country sometimes brought boys and girls with them. Such children did not attend school and were not paid for their work. There are some reports that children are trafficked from the Central African Republic to Nigeria and other nearby nations for work in agriculture.[985]

Education in public institutions is free and compulsory from ages 6 to 16.[986] However, truancy is rarely punished.[987] In September 2004, the government signed a decree setting fixed fees for public primary education at 600 francs CFA (USD 1) and secondary education at 1500 francs CFA (USD 2.77).[988] These fees are a one-time-only expense and apply to all of the children in a family who attend the same school.[989] The government hopes that fixed education fees will increase primary school enrollment.[990]

In 2002, the gross primary enrollment rate was 66 percent.[991] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 38.5 percent of children ages 5

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[980] In the weeks preceding the 2003 coup, for example, many street children were enrolled in security forces to repel the rebellion. See UN Commission on Civil and Political Rights, *List of issues prepared in the absence of the second periodic report of the State party, due on 9 April 1989,* September 3, 2003; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/880cc0a9e81c0a75c1256da90022b550?Opendocument. See also U.S. Department of State, *Country Reports- 2004: Central African Republic*.

[981] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004 - Central African Republic*, 2004; available from www.child-soldiers.org/regions/country.html?id=41.

[982] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.

[983] Ibid. See also UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting: Central African Republic,* February 14, 2001 [cited May 20, 2005]; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7c0595bc56c343b5c12569f500598d21?Opendocument.

[984] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.

[985] Ibid.

[986] *Journal Officiel de la Republique Centrafricaine: Projet de Constitution*, (October 21). See also *Portent Orientation de l'Education*, 97/014, (December 10, 1997).

[987] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.

[988] *OANDA Customizable Currency Converter,* oanda.com, [online] [cited June 6, 2005]; available from http://www.oanda.com/convert/classic. See also Government of the Central African Republic, *Decision No 190*, Ministry of Education, Bangui, September 4, 2004. See also interview with *Jonas Guezewan-Piki, Direction of National Education*, April 28, 2005.

[989] Government of the Central African Republic, *Decision No 190*.

[990] Mary Gutmann, *TDA In-Country Data Collection for Central African Republic*, May 31, 2005.

[991] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005).

to 14 years were attending school.[992] The net primary attendance rate for children living in urban areas in 2000 was almost double the rate for children living in rural areas.[993] Many reports indicate that male teachers from the primary to the university levels pressure female students into sex in exchange for good grades.[994]

Child Labor Laws and Enforcement

Article 125 of the Labor Code sets the minimum age for employment at 14 years.[995] However, children who are at least 12 years of age may engage in light work.[996] Children under 18 years are forbidden to perform certain kinds of work, including work in mines and work that involves carrying heavy loads, or work at night between the hours of 10 p.m. and 5 a.m.[997] Article 153 of the Mining Code prohibits a company or parent from using children in mining. Violators are subject to a fine of 100,000 to 3,000,000 francs CFA (USD 185 to USD 5,551.65) and/or imprisonment of 6 months to 3 years.[998] Forced labor was prohibited under the former Constitution; it is unclear whether this provision is included in the new Constitution approved by referendum in December 2004.[999] The minimum age for enlisting in the armed forces is 18 years.[1000] In November 2004, the government issued a special Constitutional bill adopting a series of articles which seek to improve basic social services, including education and the protection of women and children.[1001] Since 1999, the Government of the Central African Republic has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1002]

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[992] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, "Child Economic Activity and School Attendance Rates."
[993] Government of the Central African Republic, *Enquête a Indicateurs Multiples en République Centrafricaine*, 10-11.
[994] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.
[995] *Instituant le Code du Travail de la Republique Centrafricaine*, 61/221, (June 2, 1961). See also U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 6d.
[996] UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994: Central African Republic*, November 18, 1998; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/fb066e7732d518c0802567a6003b7aad?Opendocument. Children may work in traditional agriculture or home services starting at age 12. See also U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 6d.
[997] NATLEX, *Central African Republic: Elimination of child labour, protection of children and young persons,* in NATLEX, [database online] [cited May 20, 2005]; available from http://www.ilo.org/dyn/natlex/natlex_browse.details. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994*, para. 62.
[998] *Le Code Minier*, (February 1, 2004).
[999] U.S. Department of State, *Background Notes: Central African Republic*, Washington, D.C., February 2005; available from http://www.state.gov/r/pa/ei/bgn/4007.htm. See also Integrated Regional Information Networks, "New Constitution Adopted, 15 to Vie for Presidency", IRINnews.org, [online], December 20, 2004 [cited May 26, 2005]; available from http://www.irinnews.org/print.asp?ReportID=44736.
[1000] UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994*, para. 61.
[1001] *Journal Officiel de la Republique Centrafricaine: Projet de Constitution.*
[1002] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

The Penal Code prohibits the procurement of individuals for sexual purposes, including assisting in or profiting from prostitution, with penalties that include imprisonment of 1 month and a day to 1 year and/or a fine of 100,000 to 1,000,000 francs CFA (USD 185 to USD 1,850). Those found guilty of engaging in such acts with minors, which the code defines as persons less than 15 years of age, face penalties of imprisonment from 1 to 5 years and a fine of 200,000 to 2,000,000 francs CFA (USD 370.11 to USD 3,701.10). The Penal Code also establishes penalties including imprisonment from 2 to 5 years and 100,000 to 800,000 francs CFA (USD 185 to USD 1,480.44) if a school official commits a sex offense involving a female student.[1003]

The labor law does not specifically prohibit trafficking.[1004] However, traffickers can be prosecuted under anti-slavery laws, mandatory school-age laws, the prostitution provisions of the Penal Code, and the Labor Code.[1005] In addition, Article 212 of the Penal Code established a penalty of imprisonment from 5 to 10 years for any person who abducts or causes the abduction of a child younger than 15 years of age.[1006] Revised text of the Penal Code on child trafficking was submitted to the Ministry of Justice in January 2003, but it has not yet been approved.[1007]

The U.S. Department of State reported that enforcement of child labor laws occurs infrequently, and the government lacks sufficient resources for enforcement.[1008] Community brigades have been established to punish persons responsible for forcing children into prostitution. However, few cases have been prosecuted due to the reluctance of victims' families to press charges.[1009] The government does not currently investigate trafficking cases.[1010]

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

The government issued a decree at the end of 2004 authorizing the establishment of a national committee on orphans and other vulnerable children and established a variety of programs with the assistance of international donor institutions in an attempt to

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[1003] This section of the Penal Code was amended in 1964. *Code Penal de la Republique Centrafricaine*, (2000), Articles 196-214. The ILO's Committee of Experts has raised questions about what provisions in the country's law protect children under 18 from prostitution. See UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994*. See also CEACR, *Direct request, Worst Forms of Child Labor Convention, 1999 (No. 182) Central African Republic (ratification: 2000)*, ILO, Geneva, 2004, Clause (b)1; available from http://webfusion.ilo.org.
[1004] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.
[1005] CEACR, *Direct request*.
[1006] *Code Penal de la Republique Centrafricaine*, Article 212.
[1007] Amnesty International, *Central African Republic: Five Months of War Against Women*, London, November 10, 2004.
[1008] U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 6d.
[1009] UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*, Section 28.
[1010] Ibid., Section 6f. See also U.S. Department of State, *Country Reports- 2004: Central African Republic*, Section 5.

rehabilitate the social services in the country, including education.[1011] The government acknowledges the incidence of child labor in the country and is seeking to raise awareness about this issue.[1012] The government has also established a plan to combat trafficking by creating a mobile border unit to regulate the entry and exit of children.[1013]

The government has committed to improving the crippled educational system and specifically focusing on educating girls.[1014] The government endorsed the country's National Plan of Action for Education in April 2004, which runs until 2015 and is intended to achieve the following goals: protection and education of pre-school-aged children; universal basic education; the availability of relevant training for youth and adults; increased literacy; a reduction in the disparity between boys and girls' participation in education; improved educational quality; and widespread citizen education on HIV/AIDS.[1015] Additionally, the government has issued a National Education Plan, funded by UNICEF, targeting the education of girls.[1016]

The World Bank provided assistance in the educational sector, including refurbishment of schools, provision of supplies such as textbooks, training for teacher and institutional management.[1017] The IMF approved a package of aid programs for the country, which includes financing for education, including salaries for teachers.[1018] UNICEF continues to support a non-formal community schools program that is intended to promote girls' education as well as distribute supplies to students and teachers.[1019] UNICEF also has an

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[1011] Government of the Central African Republic, *Decree no 018/MFASSN/CAB/SG/DGAS 04*, Ministry of Family and Social Affairs, November 2004, Article 6.
[1012] Government of the Central African Republic, *Note a l'attention du Ministre a l'occasion de la celebration de la journee mondiale du travail des enfants pour l'annee 2005*, Ministry of Labor, Bangui, May 30, 2005.
[1013] Interview with *Jean Pierre Sapoua, Labor Inspector and Social Laws, Director of Studies and External Relationships*, May 12, 2005.
[1014] Government of the Central African Republic, *Plan d'Action 2005: Programme Scolarisation des Filles*, Ministry of Family and Social Affairs, Bangui, 2005.
[1015] U.S. Department of State, *Country Reports- 2004: Central African Republic*. See also Ministry of National Education and Scientific Research, *Plan National d'Action de l'Education Pour Tous 2003-2015: République Centrafricaine*, Bangui, July 21, 2003; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20942&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also Integrated Regional Information Networks, "National Education Plan Endorsed", IRINnews.org, [online], April 26, 2004 [cited May 20, 2005]; available from http://www.irinnews.org/print.asp?ReportID=40758.
[1016] Government of the Central African Republic, *Plan d'Action 2005: Programme Scolarisation des Filles*.
[1017] World Bank, *Country Re-engagement Note for the Central African Republic*, July 14, 2004, 12, para. 37; available from http://www-wds.worldbank.org.
[1018] Integrated Regional Information Networks, "Government gets post-conflict aid of US $8.5 million", July 27, 2004 [cited May 20, 2005]; available from http://www.irinnews.org/report.asp?ReportID=42393&SelectRegion=Great_Lakes&SelectCountry=CENTRAL_AFRICAN_REPUBLIC.
[1019] Integrated Regional Information Networks, "Education Sector Gets a Boost from UNICEF", [online], October 3, 2003 [cited May 20, 2005]; available from www.irinnews.org/report.asp?ReportID=36942. See also UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*.

action plan to provide care to AIDS orphans, who are often compelled to begin working at an early age.[1020]

UNICEF continued to provide access to water, sanitation, and school meals in the country's education system.[1021] The UNDP, UNICEF, and the Office of Orphaned and Vulnerable Children within the Ministry of Labor have proposed a 4-year project aimed at providing a better environment for orphans and children affected by HIV/AIDS. The project targets approximately 5 percent of the estimated 110,000 HIV/AIDS orphans in the country to receive medical, nutritional and economic support in the hopes that the number of street children will decrease.[1022]

[1020] For a discussion of HIV/AIDS and its relationship to child labor, see UNICEF, *At a Glance: Central African Republic,* [online] [cited May 20, 2005]; available from http://www.unicef.org/infobycountry/car.html.

[1021] UNICEF, *Central African Republic: Donor Update,* July 16, 2004 [cited May 20, 2005]. See also UNICEF, *At a glance: Central African Republic*. See also Integrated Regional Information Networks, "WFP in Awareness Raising Campaign for School Feeding Programme", IRINnews.org, [online], January 29, 2004 [cited May 20, 2005]; available from http://www.irinnews.org/print.asp?ReportID=39197.

[1022] UNDP, *Programme du Gouvernement de la Republique Centrafricaine*, Bangui, January 2005.

Chad

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 3/21/2005	
Ratified Convention 182 11/6/2000	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

An estimated 53 percent of children ages 5 to 14 years were counted as working in Chad in 2004. Approximately 56.1 percent of boys ages 5 to 14 years were working compared to 49.7 percent of girls in the same age group.[1023] Children work in agriculture throughout the country, and as smugglers, street vendors, manual laborers, iron workers and blacksmiths, helpers in small shops and domestic servants.[1024] There have been reports of children being contracted out by their parents to nomadic herders to tend their animals.[1025] A 2003 study estimated that many Chadian children live and work on the streets and often fall victim to violence, including sexual exploitation.[1026]

Chad is a country of origin and destination for trafficking in children. Children are trafficked to Chad from Cameroon, Togo, Benin, and Central African Republic and from Chad to Nigeria.[1027] Girls are trafficked for prostitution in the oil-producing area of Doba, and into domestic servitude in urban areas.[1028] According to a 2005 UNICEF survey in N'Djamena, 62 percent of child domestic workers between the ages of 5 and 18 are boys.[1029] Young girls migrate to N'Djamena from southern Chad to earn money to

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[1023] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, "Child Economic Activity and School Attendance Rates," (October 7, 2005). Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[1024] U.S. Department of State, *Country Reports on Human Rights Practices-2004: Chad*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41595.htm. Daniel Deuzoumbe Passalet, *Etude sure les efforts du gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, Droits de L'Homme San Frontieres, 2005.

[1025] These children are often abused and poorly compensated. Their families benefit by receiving livestock in exchange for their children's labor. U.S. Department of State, *Country Reports- 2005: Chad*, Section 6d.

[1026] One researcher estimates that approximately 11,000 children lived on the streets in the country. See Daniel Deuzoumbe Passalet, *A Situational Analysis of Commercial Sexual Exploitation of Children in Chad*, online, in ECPAT International, March, 2003; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/rabat/index.asp.

[1027] U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/200546613.htm. See also Deuzoumbe Passalet, *Chad CSE Report*.

[1028] U.S. Department of State, *Trafficking in Persons Report*.

[1029] U.S. Embassy- N'Djamena, *reporting*, March 14, 2005.

buy household goods in preparation for marriage in the villages.[1030] Children are also sold into forced labor by their families to work in farming and herding.[1031] There are reports that *mahadjir* children, who attend Islamic schools, are forced by their teachers to beg for food and money.[1032] In 2003, UNICEF estimated 600 child soldiers to be in the country. There have been no reports of further recruitment of children for use as soldiers.[1033]

Article 35 of the Constitution provides that citizens are entitled to free education and training and education is compulsory for children starting at the age of 6 years for a period of 9 years. However, the government is unable to adequately fund education, and parents in practice make significant payments for tuition and teacher salaries.[1034] In 2002, the gross primary enrollment rate was 76 percent, and the net primary enrollment rate was 61 percent.[1035] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2004, 39.6 percent of children ages 5 to 14 years were attending school.[1036] Educational opportunities for girls are limited, mainly due to cultural traditions. Fewer girls enroll in secondary school than boys, primarily due to early marriage.[1037] In 1999, 54.0 percent of children starting primary school primary school reached grade 5.[1038]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment in Chad at 14 years and the minimum age for apprenticeships at 13 years, but according to the State Department, the law is not enforced due to lack of resources.[1039] According to the labor law, children under 18 years are prohibited from doing work that is likely to harm their health, safety,

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[1030] Ibid.
[1031] U.S. Department of State, *Country Reports- 2005: Chad*. In 2004, aid workers in Chad estimated that families have sold as many as 2,000 children as young as 8 into forced labor as cattle herders.
[1032] Ibid., Section 5.
[1033] Ibid., Section 5.
[1034] UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Chad*, CRC/C/3/Add.50, prepared by Government of the Republic of Chad, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, para.42, 155; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.50.En?OpenDocument. See also U.S. Department of State, *Country Reports- 2005: Chad*, Section 5.
[1035] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[1036] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, "Child Economic Activity and School Attendance Rates."
[1037] U.S. Department of State, *Country Reports- 2005: Chad*, Section 5.
[1038] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[1039] *Code du travail tchadien*, Loi No. 038/PR/96, (December 11, 1996), Article 18; available from http://www.cefod.org/Fichiers%20web/Code%20du%20travail%20tchadien.htm. See also, U.S. Department of State, *Country Reports- 2005: Chad*, Section 6d.

or morals. The minimum age for dangerous work is set at 18 years.[1040] Also, children younger than 18 years are prohibited from working at night.[1041]

The worst forms of child labor may be prosecuted under different statutes in Chad. The Penal Code prohibits trafficking. Child traffickers are subject to a punishment of from six months to life in prison with hard labor and fines ranging from 100,000 to two million CFA (USD 180 to 3,600).[1042] Revisions in the Penal Code in 2004 established new penalties for the prostitution of a minor, ranging from two months to ten years of imprisonment and fines from 50,000 to one million CFA (USD 90 to 1,800).[1043] The Labor Code prohibits forced and bonded labor.[1044] Children must be at least 18 years old to volunteer for the armed forces and 20 years to be conscripted.[1045] Since 1999, the Government of Chad has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1046]

In 2004, there were 30 labor inspectors in Chad, and the government reportedly investigates only10 to 15 child labor cases each year.[1047] The government's ability to effectively investigate and prosecute child labor violations is hampered by a lack of training and resources.[1048]

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

The Government of Chad is revising its legal code to conform with the requirements of ILO Convention 138 on the Minimum Age for Employment and ILO Convention 182 on the Worst Forms of Child Labor.[1049] These changes include increasing the penalties for both employing children under the age of 14 and the prostitution of minors.

The Government of Chad is working with UNICEF to implement a program to reduce the prevalence of young children working in domestic service.[1050] In February 2005, a UNICEF-funded survey of child domestic workers between the ages of five and eighteen

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[1040] U.S. Department of State, *Country Reports- 2005: Chad*, Section 6d. See UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 197.
[1041] The Labor Code also stipulates that workers under 18 get a break of at least 12 consecutive hours daily, and that they, as well as apprentices, are entitled to Sundays off. See *Code du travail tchadien*, Article 206.
[1042] U.S. Embassy- N'Djamena, *reporting,* March 14, 2005. Currency conversion as of December 31, 2005, available from: www.oanda.com.
[1043] U.S. Department of State, *Country Reports- 2005: Chad*, Section 5 and U.S. Embassy- N'Djamena, *reporting,* March 14, 2005. Currency conversion as of December 31, 2005, available from: www.oanda.com.
[1044] *Code du travail tchadien*, Article 5.
[1045] Coalition to Stop the Use of Child Soldiers, "Chad," in *Child Soldiers Global Report 2004* London, 2004.
[1046] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[1047] U.S. Department of State, *Country Reports- 2005: Chad*, Section 6d.
[1048] U.S. Embassy- N'Djamena, *reporting,* March 14, 2005.
[1049] Ibid.
[1050] U.S. Department of State, *Trafficking in Persons Report*.

was released. The survey recommended that the Government of Chad combat child labor by providing universal access to free education, stabilizing family situations, enforcing government regulations prohibiting child work, launching a multi-ministerial child labor awareness raising campaign and implementing protection measures, such as centers for exploited children.[1051]

The government is focusing its efforts on preventing trafficking.[1052] In January 2005, the Ministry of Justice held a public sensitization conference on trafficking in persons.[1053] The Government of Chad has a national action plan to combat child sexual exploitation. Local officials in Kome and the State of Doba have made efforts to address the commercial sexual exploitation of children in communities surrounding oil-producing facilities.[1054]

The Ministries of Labor and Justice conducted awareness campaigns and training seminars on the worst forms of child labor for religious leaders, traditional chiefs, and parliamentarians. In March, 2005 the Governor of Moyen Chari raised awareness about the dangers of child labor in the herding sector.[1055] During the year, 256 child herders in forced labor were rescued by non-governmental organizations, local authorities and religious institutions. Other children involved in exploitative child labor were rescued by military, police and non-governmental organizations.[1056]

On March 21, 2005, the Government of Chad ratified ILO Convention 138 on the Minimum Age for Employment.[1057]

With support from the World Bank, the government is implementing an Education Sector Reform Project. The project's main objectives for improving basic education are to promote gender and geographic equity; enable communities to repair school infrastructure; enhance quality of teaching and the educational environment; and create programs for literacy, early childhood development, school health and nutrition, non-formal education, bilingual education, and interactive radio instruction.[1058] The government also has an Education for All plan that includes among its objectives

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[1051] U.S. Embassy- N'Djamena, *reporting,* March 14, 2005.
[1052] U.S. Department of State, *Country Reports- 2005: Chad*, Section 5.
[1053] U.S. Department of State, *Trafficking in Persons Report*.
[1054] Ibid.
[1055] Ibid.
[1056] U.S. Embassy - N'Djamena, *reporting*, September 7, 2005.
[1057] International Labor Organization, *Ratifications of Fundamantal Human Rights Conventions by Country,* 2005 [cited June 24, 2005]; available from http://www.ilo.org/ilolex/english/docs/declprint.htm.
[1058] The 4-year project was funded in March 2003. See World Bank, *Education Sector Reform Project,* [cited June 24, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P000527.

ensuring free and compulsory primary education for all children, particularly girls, by 2015, and eliminating gender and ethnic disparities in education.[1059]

[1059] Republique du Tchad, *Plan d'Action National de l'Education Pour Tous (PAN/EPT) à l'An 2015*, N'Djamena, September 2002; available from http://portal.unesco.org/education/en/file_download.php/4fd50d0a00ae2dd01bdfc15af720eb17PNAEPT_CHAD.doc

Chile

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/1/1999	
Ratified Convention 182 4/17/2000	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

An estimated 3.5 percent of children ages 5 to 14 years were counted as working in Chile in 2003. Approximately 4.4 percent of all boys 5 to 14 were working compared to 2.6 percent of girls in the same age group. The majority of working children were found in the services sector (66.6 percent), followed by agriculture (24.7 percent), manufacturing (6.6 percent), and other sectors (2 percent).[1060] The rate of child work is higher in rural than in urban areas, although the absolute number of working children is higher in urban areas. Frequent activities undertaken by children in urban areas are working in supermarkets, waiting tables in restaurants, selling goods on the street, and caring for parked automobiles. Children also work in fishing, and assist others in construction, industrial, and mining activities.[1061] Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population in Chile were living on less than USD 1 a day.[1062]

Children are also victims of commercial sexual exploitation, in some cases as a result of internal trafficking. In 2003, the Government of Chile estimated that there were approximately 3,700 children involved in some form of commercial sexual exploitation.[1063] The commercial sexual exploitation of boys appears to be increasing.[1064]

[1060] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1061] See Ministry of Labor and Social Welfare, *Resultados generales de la encuesta,* [online] 2004 [cited October 18, 2005]; available from http://www.trabajoinfantil.cl/resultados.html. See also ILO-IPEC, *Trabajo Infantil y Adolescente: Diagnóstico Nacional: Resumen Ejecutivo*, 2004.

[1062] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[1063] See National Minors Service, *Explotación Sexual Comercial Infantil: Serie Estudios y Seminarios*, July, 2004; available from http://www.sename.cl/interior/publicaciones/explotacionsexual.pdf.

[1064] ECPAT International, *Chile,* in ECPAT International, [database online] January, 14, 2004 [cited September 30, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

Education in Chile is free and compulsory for 12 years for all children and adolescents through the age of 20 years.[1065] In 2003, the gross primary enrollment rate was 98 percent and the net primary enrollment rate was 85 percent.[1066] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2003, 97.2 percent of children ages 5 to 14 years were attending school.[1067] However, attending school does not preclude children in Chile from working. A 2003 child labor survey conducted by the National Statistics Institute in coordination with ILO-IPEC found that 78.9 percent of children performing "unacceptable work" also attend school.[1068] As of 2002, 99 percent of children who started primary school were likely to reach grade 5.[1069]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.[1070] In order to work, children 15 and 16 years of age must have completed obligatory schooling and must obtain permission from their parents or guardians. Such children may only perform light work that will not affect their health or development.[1071] Children ages 16 to 18 years may work if they receive authorization from their parents or guardians and may not work in occupations that may be dangerous or require excessive force. Children under age 18 are also not permitted to work more than 8 hours per day, at night between the hours of 10 p.m. and 7 a.m. (excluding work in a family business), or in nightclubs or similar establishments in which alcohol is consumed.[1072] All persons under the age of 21 are prohibited from working underground without undergoing a physical exam.[1073] The minimum age for compulsory military service in Chile is 18.[1074]

[1065] Length of compulsory education was extended to 12 years in May 2003. See Ministry of Education, *Hito Sin Precedentes en América Latina,* [online] [cited June 29, 2005]; available from http://biblioteca.mineduc.cl/documento/12_anos.pdf.

[1066] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1067] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[1068] The survey defines unacceptable child work as work performed by children less than 12 years of age, work performed by children between 12 and 14 years of age who do not attend school, work beyond legal working hours, and work at night. See Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras: Síntesis de la primera encuesta nacional y registro de sus peores formas*, ILO-IPEC, Santiago, 2004, 11-12, 44; available from http://www.oitchile.cl/pdf/tra022.pdf.

[1069] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[1070] Government of Chile, *Código del Trabajo, as amended in 2000*, (1994), article 13; available from http://apuntes.rincondelvago.com/codigo-del-trabajo-de-chile.html.

[1071] Children under the age of 15 may work in theatrical and artistic productions with the proper legal authorization. See Ibid., articles 13, 15 and 16.

[1072] Boys between the ages of 16 and 18 are excepted from this regulation in certain industries. See Ibid., articles 13, 15 and 18.

[1073] Ibid., article 14.

[1074] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004 - Chile*, 2004; available from http://www.child-soldiers.org/document_get.php?id=819. All Chileans must register for military service when they turn 18. See *Dicta Normas sobre Reclutamiento y Movilizacion de Las Fuerzas Armadas*, Ley 20045 10-9-2005, articles 13 and 18; available from http://www.bcn.cl/portada.html.

The worst forms of child labor may be prosecuted under different statutes in Chile. The Chilean Constitution and the Labor Code prohibit forced labor.[1075] The prostitution of children and corruption of minors are prohibited under the Penal Code, providing for substantial prison sentences and fines.[1076] The Penal Code contains a prohibition against the sale, distribution, and exhibition of pornography and calls for fines and imprisonment for those convicted of such acts.[1077] In 2004, Law No. 19.927 was established, which aims to combat child pornography, including on the Internet.[1078] Although there is no single law that generally addresses trafficking in persons, the Penal Code does prohibit trafficking for prostitution and imposes increased prison terms and fines if the victim is under the age of 18 years.[1079] In addition, current laws governing sexual crimes, kidnapping, and criminal association could be used to prosecute traffickers.[1080] Since 1999, the Government of Chile has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1081]

The Ministry of Labor's Inspection Agency enforces child labor laws. The National Service for Minors within the Ministry of Justice investigates exploitative child labor related to pornography, the sale of drugs, and other related criminal activities.[1082] The Investigations Police's Sexual Crimes Brigade investigates complaints involving the commercial sexual exploitation of children, internet pornography and the trafficking of persons for the purpose of commercial sexual exploitation.[1083] The government has launched investigations against some traffickers but lacks a nationally coordinated

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[1075] CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Chile (ratification: 1999)*, ILO, Geneva, 2003, No. 16; available from http://webfusion.ilo.org. See also Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2003*, articles 2 and 9; available from http://www.georgetown.edu/pdba/Constitutions/Chile/chile01.html.

[1076] Chilean Penal Code, Articles 367 to 372, as found in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile,* [database online] [cited June 29, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp. See also *Codigo Penal de la Republica de Chile*; available from http://www.unifr.ch/derechopenal/legislacion/cl/cpchindx.html.

[1077] Chilean Penal Code Article 374, as found in Interpol, *Legislation of Interpol Member States*. See also *Chilean Penal Code*.

[1078] This law modifies the Penal Code on matters of child pornography and other offenses. Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras*. See also *Modifica el Codigo Penal, El Codigo de Procedimiento Penal, y el Codigo Procesal Penal en Materia de Delitos de Pornografia Infantil*, 19,927, (January 5), article 1.14; available from http://www.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf.

[1079] Chilean Penal Code, Article 367 BIS, as found in Interpol, *Legislation of Interpol Member States*. See also *Chilean Penal Code*, article 367 and 367 bis.

[1080] U.S. Department of State, *reporting*, March 3, 2005.

[1081] ILO-IPEC official, e-mail communication to USDOL official, November 14, 2005.

[1082] U.S. Embassy- Santiago, *reporting*, October 22, 2001.

[1083] Delitos contra la Familia: Brigada Investigadora de Delitos Sexuales y Menores, *Brigada Investigadora de Delitos Sexuales y Menores,* [online] [cited October 3, 2005]; available from http://www.investigaciones.cl.

enforcement strategy, which impedes country efforts to gather data on trafficking-related cases.[1084]

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

As part of its 2001 to 2010 National Policy on Childhood, the Government of Chile has adopted a national child labor action plan that focuses on awareness-raising, data collection, promotion of legislative reform in compliance with ILO conventions, development of targeted intervention programs, and ongoing monitoring and evaluation.[1085] The national action plan was developed by the National Advisory Committee for the Prevention and Progressive Eradication of Child and Adolescent Labor. This committee is composed of representatives from the government, civil society, workers and employers organizations and is coordinated by the Ministry of Labor and Social Welfare.[1086] In addition, the Government of Chile, along with ILO-IPEC and MERCOSUR[1087] governments, is implementing the 2002-2005 regional plan to combat child labor. This regional effort is funded by the Government of Spain.[1088]

The Government of Chile also collaborates with ILO-IPEC on projects to address the worst forms of child labor. In 2004, with technical assistance from ILO-IPEC, the National Institute of Statistics released the results of a child labor survey[1089] and the National Institute for Minors (SENAME) published the results of a study on the commercial sexual exploitation of children and adolescents.[1090] Also in 2004, the Ministry of Labor and Social Welfare, the National Statistics Institute and SENAME, in collaboration with ILO-IPEC, published a qualitative study on the worst forms of child

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[1084] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Chile*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41753.htm. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[1085] ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolscente en Chile*, National Plan, Ministry of Labor and Social Welfare, Santiago de Chile, 2001, 3, 20, 24, 26, 30, 32-36; available from http://www.oit.org.pe/ipec/doc/documentos/plch.doc. See also ILO-IPEC, *Ficha Pais: Chile*, Lima, 2003; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/documentos/fichachile.pdf.

[1086] ILO-IPEC, *Chile: National Plan*, 12. See National Minors Service, *Trabajo Infantil: Las respuesta de SENAME,* [online] [cited June 28, 2005]; available from http://www.sename.cl/interior/trabajo/trabajo_05.asp. In addition to the national advisory committee, 11 of Chile's 13 regions have state advisory committees. See Ministry of Labor and Social Welfare, *Preguntas frecuentes,* [online] [cited June 15, 2005]; available from http://www.trabjoinfantil.cl/faq.html.

[1087] MERCOSUR comes from "Mercado Comun del Sur", or "Common Market of the South."

[1088] ILO-IPEC, *Ficha Pais: Chile*. Efforts include a study of social policies in the region with a view to addressing child labor and the design of indicators to measure progress on the issue. See Government of Chile, *Information Sought*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Santiago, October 2004, 7.

[1089] See the first section of this country report for information on the results of this survey. See Ministry of Labor and Social Welfare, *Resultados generales*.; available from www.trabajoinfantil.cl/resultados.html.

[1090] The study was conducted by academics at the Arcis University in Chile. National Minors Service, *Explotación Sexual Comercial Infantil*.; available from http://www.sename.cl/interior/publicaciones/explotacionsexual.pdf

labor in Chile.[1091] In September 2004, USDOL funded a USD 5.5 million ILO-IPEC regional project to continue to combat the commercial sexual exploitation of children in Chile and in other countries in the region.[1092]

The government has increased funding for programs targeting at-risk children, adolescents and families.[1093] SENAME oversees ten projects to benefit street children and adolescents, providing them with services including drug treatment and prevention, school reinsertion and skills building.[1094] Government agencies including SENAME, the Ministry of Labor and Social Welfare and the Police have developed a list of the worst forms of child labor.[1095] Based on this list, SENAME developed and maintains a register of documented worst forms of child labor cases with input from the Chilean police forces and the Ministry of Labor and Social Welfare.[1096]

Efforts to combat the commercial sexual exploitation of children are coordinated under the country's action plan to combat child labor.[1097] SENAME is expanding its provision of services to children and adolescents engaged in commercial sexual exploitation to four new regions.[1098] The Investigations Police's Sexual Crimes Brigade educates the public on topics related to sexuality, including the sexual exploitation of children.[1099]

[1091] National Minors Service, *Estudio sobre la Situación de niños, niñas y adolescentes en peores formas de trabajo infantil: una aproximación cualitiva*, Seri Estudios y Seminarios, 2004; available from http://www.sename.cl/interior/publicaciones/peores_formas_trabajo.pdf.

[1092] The project also combats the commercial sexual exploitation of children and child domestic labor in Colombia, Paraguay, and Peru. See ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru*, Geneva, September 8, 2004, 6.

[1093] U.S. Department of State, *Trafficking in Persons Report*.

[1094] These projects also provide families and guardians of beneficiaries with classes in parenting and problem solving skills. See National Minors Service, *Niños de la Calle, Proyectos,* [online] [cited June 29, 2005]; available from http://www.sename.cl/interior/ninos/f_subportada.html.

[1095] Chilean Ministry of Labor, *Report on Labor Rights in Chile and its Laws Governing Exploitative Child Labor*, Santiago, March 2003. The list includes street vendors, waiters, supermarket baggers and construction workers in urban areas. In rural areas, the list includes children involved in the planting, harvest and selling of agricultural goods, caring for livestock, and handling heavy and dangerous machinery. See Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras*, 17.

[1096] See Ministry of Labor and Social Welfare, *Sistema de registro,* [online] 2005 [cited June 15, 2005]; available from http://www.trabajoinfantil.cl/peores_definiciones.html.

[1097] Government of Chile, *Informe Complementario Refundido*, Santiago, November 5, 2004. See also ILO-IPEC, *Chile: National Plan*.

[1098] National Minors Service, *Explotación Sexual Comercial Infantil*. SENAME, *Explotación Sexual Infantil: ¿Que Hace el Sename?* [online] [cited June 16, 2005]; available from http://www.sename.cl/interior/explotacion/explotacion_04.asp.

[1099] Delitos contra la Familia: Brigada Investigadora de Delitos Sexuales y Menores, *Brigada de Delitos Sexuales*. See also Policia de Investigaciones de Chile-Educación y Prevención, *Guía Práctica sobre Prevención de Abusos contra Menores,* [online] [cited October 3, 2005]; available from http://www.investigaciones.cl/paginas/publicaciones/folletos/guiapra1/guiapractica.htm. See also Policia de Investigaciones de Chile-Educación y Prevención, *Delitos Sexuales: Una Prevención Necesaria,* [online] [cited October 3, 2005]; available from http://www.investigaciones.cl.

The government operates various programs to encourage school attendance. The *Chile in Solidarity* program provides families in extreme poverty with psychosocial services, various subsidies, (including for children under the age of 18 years), and access to social services such as health and education.[1100] In addition, the Ministry of Education implements the Full School Day Reform program. The program, adopted in 1996, extends the school day by four hours and provides a new curriculum framework, incentives for teacher professionalism, and a network to model and disseminate innovative teaching, learning, and managerial practices at the secondary level.[1101]

The Ministry of Education currently implements four programs that promote improved learning in urban and rural areas of high vulnerability.[1102] In order to encourage students to stay in school for a full 12 years as now required under Chilean law, the government recently instituted the "Pro-retention Specialized Subsidy" for schools that serve low income populations. Through this program, the government provides additional resources to target schools, enabling them to provide extra support to at-risk students so that they can complete the obligatory 12 years of schooling.[1103] At the same time, the government has instituted a scholarship program under the "Degree Program for All," in order to encourage students with very limited resources to finish secondary school.[1104]

[1100] Ministry of Planning, *Como funciona Chile Solidario?* [online] [cited June 29, 2005]; available from http://www.chilesolidario.gov.cl/publico/que_es.php?art=4. In 2005, the program is working with 225,000 families living in extreme poverty. See Ministry of Planning, *Objectivos,* [online] [cited June 29, 2005]; available from http://www.chilesolidario.gov.cl/publico/que_es.php?art=3.

[1101] Francoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series* 1, no. 1 (June 2000). At the end of 2004, 6,718 of the country's schools had adopted the full school day. With the passage of Law 19.979 in November 2004, all public schools in the country will adopt the Reform by 2010. See Ministry of Education, "Nuestros Temas: Publicación para Profesores de Educación Básica," No. 20 Otoño, (2005), 6-7; available from http://biblioteca.mineduc.cl/documento/nuestros_tema_numero_20.pdf.

[1102] The four programs are 1) Focused Schools P-900; 2) Rural Multi-grade Schools organized in Microcenters; 3) Schools with external technical support; and 4) Rural schools with indigenous populations. Ministry of Education, *Atención Focalizada,* [online] [cited June 28, 2005]; available from http://www.mineduc.cl/index2.php?id_portal=17&id_seccion=837&9d_contenido=702.

[1103] Ministry of Education, *Reforma Educacional,* [online] [cited June 16, 2005]; available from http://www.mineduc.cl/index.php?id_portal=1&id_seccion=990&id_contenido=936.

[1104] Government of Chile, *Information Sought*, 15.

Colombia

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/2/2001	
Ratified Convention 182 1/28/2005	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

An estimated 10.4 percent of children ages 5 to 14 years were counted as working in Colombia in 2001. Approximately 14.1 percent of all boys 5 to 14 were working compared to 6.6 percent of girls in the same age group. The majority of working children were found in the services sector (49.9 percent), followed by agricultural (35.6 percent), manufacturing (12.6 percent) and other sectors (1.9 percent).[1105] In urban areas children work in sectors such as commerce, industry, and services.[1106] Many children, especially girls, work as domestic servants.[1107] In rural areas, children work in sectors including agriculture and commerce.[1108] Children work in clay, coal, emerald, and gold mining operations.[1109] They also harvest coca and work in other aspects of the drug trade.[1110] Child labor is especially a problem in the informal sector.[1111] More than half of working children do not receive financial remuneration.[1112] Child labor is one of many problems

[1105] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1106] National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil: Análisis de los resultados de la encuesta sobre caracterización de la población entre 5 y 17 años en Colombia*, Bogota, November 2001, 55; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/colombia/report/co_rep_2001_sp.pdf.

[1107] ILO-IPEC, *Prevention and Elimination of Child Domestic Labour (CDL) and of Commercial Sexual Exploitation of Children (CESC) in Chile, Colombia, Paraguay and Peru*, project document, Geneva, September 8, 2004, 13.

[1108] National Administrative Department of Statistics, *Encuesta Nacional*, 55.

[1109] ILO-IPEC, *Prevention and Elimination of Child Labour in Small-Scale Mining*, project document, Geneva, September 21, 2001, 5-6. See also U.S. Department of State, *Country Report on Human Rights Practices- 2005: Colombia*, Washington, D.C., March 8, 2006, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2005/61721.htm

[1110] Watchlist on Children and Armed Conflict, *Colombia's War on Children*, New York, February 2004, 21; available from http://www.watchlist.org/reports/colombia.report.pdf. See also Colombian Ombudsman's Office, *Informe Sobre Los Derechos Humanos De La Niñez en Colombia Durante El Año 2001*, 2001, 26; available from http://www.defensoria.org.co/?_s=d1. See also U.S. Department of State, *Country Reports- 2005: Colombia,* Section 6d.

[1111] U.S. Department of State, *Country Report on Human Rights Practices- 2005: Colombia*, Section 6d.

[1112] National Administrative Department of Statistics, *Encuesta Nacional*, 61-63.

associated with poverty. In 1999, the most recent year for which data are available, 8.2 percent of the population in Colombia were living on less than USD 1 a day.[1113]

Children are victims of commercial sexual exploitation in Colombia. Sexual tourism involving children in Cartagena and resorts on the Caribbean coast is a problem.[1114] Colombia is a major source country for the trafficking of girls for the purposes of commercial sexual exploitation. Colombian girls are trafficked internally from rural to urban areas, throughout the Americas, and to locations including the Caribbean, Western Europe, Japan, Hong Kong, and the Middle East. Trafficking victims from other South American countries may pass through Colombia before reaching Europe and the United States. Populations displaced due to armed violence are at increased risk for trafficking.[1115]

Children in Colombia are recruited, sometimes forcibly, by insurgent and paramilitary groups.[1116] Many are forced to participate in and are victims of human rights violations such as torture and murder.[1117] Child soldiers also act as messengers and guards, and carry and assemble explosives.[1118] Many girl child soldiers are subject to sexual exploitation by other members of insurgent and paramilitary armed groups.[1119] Reportedly, children have been used by government armed forces as informants, although the government does not recruit children and there are no reports of children serving in government armed forces.[1120]

The Constitution requires children ages 5 to 15 years to attend school. It states that education is to be free in state institutions, but allows state institutions to impose school

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[1113] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.
[1114] U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 5, 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006/. See also U.S. Department of State, *Country Reports- 2005: Colombia*, Sections 5 and 6d.
[1115] U.S. Department of State, *Trafficking in Persons Report- 2006.* See also U.S. Department of State, *Country Reports- 2005: Colombia*, Section 5.
[1116] U.S. Department of State, *Country Reports- 2005: Colombia*, Sections 1g, 5, 6c, and 6d. See also U.S. Department of State, *Trafficking in Persons Report- 2006*. See also UN Economic and Social Council, *Organization of the Work of the Session: Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia*, E/CN.4/2004/13, February 17, 2004, para. 52 and 58; available from http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.13.En?Opendocument. Various Colombian paramilitary and guerrilla groups have been included on the UN list of Parties to Armed Conflict that Recruit or Use Children in Armed Conflict. See United Nations General Assembly Security Council, *Children and Armed Conflict,* pursuant to Report of the Secretary-General, February 9, 2005; available from http://www.un.org/special-rep/children-armed-conflict/English/index.html.
[1117] Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, September 2003, 68-77 and 88-98; available from http://www.hrw.org/reports/2003/colombia0903/.
[1118] Ibid., 6 and 61-67.
[1119] U.S. Department of State, *Trafficking in Persons Report- 2006.* See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Colombia*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=820. See also Human Rights Watch, *You'll Learn Not to Cry*, 53-59.
[1120] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Colombia*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=820. See also Human Rights Watch, *You'll Learn Not to Cry*, 102-103.

fees for those that can afford them.[1121] Children paying enrollment fees do so based on their family's income level.[1122] In practice, the costs of enrollment, books, school supplies, and transportation are often prohibitive.[1123] In 2002, the gross primary enrollment rate was 110 percent and the net primary enrollment rate was 87 percent.[1124] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 90.4 percent of children ages 5 to 14 years were attending school.[1125] As of 2001, 69 percent of children who started primary school were likely to reach grade 5.[1126] Education is less accessible for rural, Afro-Colombian, indigenous,[1127] and displaced children.[1128] Teachers, among other groups, have been the targets of murders, threats, and violence by paramilitary and guerilla groups, and this may affect children's education.[1129]

Child Labor Laws and Enforcement

The Constitution states that children are to be protected against exploitative and hazardous labor.[1130] The Minors' Code defines minors as those under age 18, and sets the minimum age for employment at 14 years, with certain exceptions. Authorization from a labor inspector or other designated authority is required for all those under age 18 to work. Under exceptional circumstances children ages 12 and 13 may obtain

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[1121] *Constitución Política de Colombia de 1991, con reformas hasta marzo 2005; accessed September 26, 2005, Article 67; available from http://www.georgetown.edu/pdba/.*

[1122] Katarina Tomašeski, *Report of the Special Rapporteur*, para. 16.

[1123] Katarina Tomašeski, *Report of the Special Rapporteur on the Right to Education on Her Mission to Colombia (1-10 October 2003)*, E/CN.4/2004/45/Add.2, United Nations Economic and Social Council, February 17, 2004, para. 15, 24, and 25; available from http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.45.Add.2.En?Opendocument. See also U.S. Department of State, *Country Reports- 2005: Colombia*, Section 5.

[1124] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Rations, Primary; accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[1125] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[1126] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[1127] UNICEF, *At a Glance: Colombia- The Big Picture,* n.d. 2005 [cited June 30, 2005]; available from http://www.unicef.org/infobycountry/colombia.html.

[1128] U.S. Department of State, *Country Reports- 2005: Colombia*, Section 2d. In the capital, displaced children do not have to pay enrollment fees for one year, but must pay fees for following years. Katarina Tomašeski, *Report of the Special Rapporteur*, para. 25.

[1129] In 2004, 68 teachers were murdered and 17 were kidnapped. Presidential Program for Human Rights and International Humanitarian Law, *Informe Anual de Derechos Humanos y DIH 2004*, Colombia, June 2005, 204-205; available from http://www.derechoshumanos.gov.co/modules.php?name=informacion&file=article&sid=501. See also U.S. Department of State, *Country Reports- 2005: Colombia*, Sections 2a and 6a. See also Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 18-19.

[1130] *Constitución Política de Colombia*, Article 44.

authorization to work.[1131] The Code requires parents to ensure that youths under age 14 attend school, limits children's working hours, protects against the firing of pregnant or lactating minors, and prohibits employers from moving minors from their homes except with authorization for temporary training programs. The Code establishes that minors are afforded the same labor protections as adults in matters not addressed by the Minors' Code. Also under the Code, the Ministry of Social Protection (MSP) is required to inspect businesses in order to determine if they are in compliance with child labor laws.[1132] Penalties for violating child labor laws range from 1 to 40 times the minimum monthly salary and can include the temporary or permanent closure of the violating establishment.[1133]

The Minors' Code prohibits children from various types of work that pose health risks, with certain exceptions for those older than 14 years, and authorizes the MSP to prohibit minors from additional forms of labor.[1134] In 2005, an MSP resolution established a list of work prohibited to minors. This list includes the types of work prohibited by the Minors' Code.[1135] Minors are prohibited from working in agriculture, livestock, fishing, hunting, forestry, mining, and construction. Certain types of work involving the industrial manufacturing, transport, health, and security sectors are also prohibited for children. Children may not work as shoe shiners, domestic laborers, or in ambulant sales.[1136] Minors are also prohibited from working under specific conditions, including those that involve risks to a child's physical or psychological well-being, health risks, and exposure to dangerous chemicals. Work that is unpaid or interferes with education is prohibited, as is work involving separation from a child's family, abuse, or illegal situations. According to the MSP resolution, minors may not work between 8 p.m. and 6 a.m., with the exception of those who are 16 and 17 years of age.[1137] However, the Minors' Code permits 16 and 17 year olds, like other minors, to work only until 8 p.m.[1138] Work affecting children's morality, such as work in places of prostitution and where alcohol is served is prohibited.[1139] Those with knowledge of children engaging in prohibited work are mandated to report such situations to MSP.[1140] Since 1999, the Government of Colombia has submitted to the ILO a list or an equivalent document

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[1131] *Código del Menor*, Decree No. 2737, (November 27, 1989), Articles 28 and 237-241; available from www.icbf.gov/co/espanol/normatividad2.asp.
[1132] Ibid., Articles 238, 242, 243, 260, 261, and 264. In 2003, the MSP became responsible for carrying out the functions of the former Ministries of Labor and Health. See World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$86.4 Million to the Republic of Colombia for a Social Safety Net Project*, 31880-CO, October 3, 2005, 2; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/10/13/000090341_20051013094615/Rendered/PDF/31880.pdf.
[1133] *Código del Menor*, Articles 262-263.
[1134] Ibid., Article 245.
[1135] *Resolución No 004448: por la cual se desarrolla la facultad contenida en el numeral 23 del artículo 245 del Decreto 2737 de 1989 o Código del Menor*, (December 2, 2005); available from http://www.minproteccionsocial.gov.co/MseContent/images/news/DocNewsNo648901.doc. See also *Código del Menor*, Articles 262-263.
[1136] *Resolución 004448*, Article 1.
[1137] Ibid., Article 2.
[1138] *Código del Menor*, Article 242.
[1139] Ibid., Article 246.
[1140] Ibid., Article 247.

identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 and Convention 138.[1141]

Trafficking is prohibited by the Constitution[1142] and is punishable by 13 to 23 years of incarceration and fines up to 1,500 times the minimum monthly salary; penalties are increased under aggravated circumstances which include cases in which the victim is a minor.[1143] Penalties for pimping and forced prostitution range from 2 to 13 years of incarceration and fines of 66 to 750 times the minimum monthly salary, with increased penalties if the victim is under age 14, if the crime involved moving the victim outside of the country, or if the perpetrator is a family member.[1144] Operating an establishment in which minors practice sexual acts is punishable by 8 to 12 years of incarceration and fines of 66 to 750 times the minimum monthly salary, with increased penalties if the crime was committed by a family member.[1145] Child pornography is punishable by fines from 133 to 1,500 times the minimum monthly salary and 8 to 12 years of imprisonment, with increased penalties if the crime was committed by a family member.[1146] The use of the mail or internet to obtain or offer sexual contact with a minor is punishable by 5 to 10 years of incarceration and a fine of 50 to 100 times the minimum monthly salary, with increased penalties if the minor involved is under age 12.[1147] Internet pornography depicting minors is punishable by fines up to 100 times the minimum monthly salary and the cancellation or suspension of the web site.[1148] Law 679 states that tourist agencies that engage in activities related to sexual tourism of minors can be penalized by fines of up to 300 times the minimum monthly salary and the suspension or cancellation of their registration in the National Tourism Registry.[1149] Forced prostitution and sexual slavery in relation to the country's ongoing conflict is punishable by imprisonment from 13 to 27 years and a fine of 666 to 1,500 times the minimum monthly salary.[1150] The minimum voluntary and compulsory recruitment age for the armed forces is 18.[1151] Recruitment of children under age 18 by armed groups is punishable by 8 to 15 years in prison and fines ranging from 800 to 1,500 times the minimum monthly salary.[1152] Children are also prohibited from performing intelligence activities.[1153] The law regards child soldiers as

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[1141] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[1142] *Constitución Política de Colombia*, Article 17.
[1143] U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also U.S. Embassy- Bogota, *reporting*, December 5, 2005.
[1144] *Código Penal*, (July 24, 2000), Articles 213, 214, and 216;. available from http://www.secretariasenado.gov.co/compendio_legislativo.HTM
[1145] Ibid., Article 217.
[1146] Ibid., Article 218.
[1147] *Law 679*, (August 4, 2001), Article 34; available from http://www.secretariasenado.gov.co/leyes/L0679001.
[1148] *Decree 1524*, (July 24, 2002); available from http://www.i-uris.com/leyes/dec/1524.htm. See also *Law 679*, Articles 9-10.
[1149] *Law 679*, Articles 19-20.
[1150] *Código Penal*, Article 141.
[1151] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*. See also *Resolución 004448*, Article 1, 9.1.
[1152] *Código Penal*, Article 162.
[1153] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*.

victims.[1154] Armed groups that collectively enter the government's demobilization process must place all minor recruits with the Colombian Institute of Family Welfare (ICBF).[1155] The Constitution prohibits slavery and forced labor.[1156]

According to the U.S. Department of State, the MSP conducts child labor inspections, but does not have sufficient resources to inspect all establishments that employ children.[1157] ICBF is responsible for child protection programs.[1158] This includes providing services to former child soldiers.[1159] The Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are also authorized to implement and enforce child labor laws and regulations.[1160] The Prosecutor General's Office has a unit dedicated to combating trafficking.[1161]

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

The Colombian Government's National Development Plan 2002-2006 establishes the eradication of exploitative child labor as a priority.[1162] Colombia's Plan for Childhood (2004-2015) contains provisions relating to exploitative child labor, specifically to child trafficking, the recruitment of children into armed groups, and the commercial sexual exploitation of children.[1163] The National Committee for the Eradication of Child Labor implemented the Third Plan for the Elimination of Child Labor and the Protection of Working Youth 2003-2006.[1164] The plan's objectives include increasing knowledge, improving public policy, raising awareness, and improving legislation regarding child labor.[1165] The MSP works to eradicate exploitative child labor through activities including awareness raising campaigns.[1166] With support from ILO-IPEC and Canada,

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[1154] *Ley 782*, (December 23), Article 15; available from http://www.altocomisionadparalapaz.gov.co/juridicos/ley_782.pdf.
[1155] *Ley 975*, (July 25), Article 10; available from http://www.presidencia.gov.co/leyes/2005/julio/ley975250705.pdf. See also *Decreto 4760*, (December 30), Article 3; available from www.altocomisionadoparalapaz.gov.co/noticias/2006/enero/documentos/decreto4760.pdf.
[1156] *Constitución Política de Colombia*, Article 17.
[1157] U.S. Department of State, *Country Report on Human Rights Practices- 2004: Colombia*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41754.htm.
[1158] Ibid., Section 5.
[1159] *Decreto 4760*, Article 3, para. 3.
[1160] U.S. Embassy- Bogota, *reporting*, October 10, 2001.
[1161] U.S. Department of State, *Trafficking in Persons Report- 2005*.
[1162] National Planning Department, *Plan Nacional de Desarrollo 2002-2006: Hacia un Estado Comunitario*, Bogota, 2003, 209; available from http://www.presidencia.gov.co/documentos/PND.pdf.
[1163] Government of Colombia, *Plan Decenal de infancia (2004-2015) para Colombia*; available from www.icbf.gov.co/espanol/decenal.htm.
[1164] U.S. Department of State, *Country Reports- 2004: Colombia*, Section 6d.
[1165] Interinstitutional Committee for the Eradication of Child Labor and Protection of the Youth Worker, *III Plan Nacional para la Erradicación del Trabajo Infantil y la Protección del Trabajo Juvenil 2003-2006*, ILO, Bogotá, 2003, 51-52.
[1166] Government of Colombia, *Documento DOL "Peores formas de trabajo infantil"*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, D.C., August 25, 2005,

the government is working to improve cooperation and coordination among national, regional, and municipal governments in combating child labor.[1167] In 2005, the government ratified ILO Convention 182, the Worst Forms of Child Labor.[1168]

ICBF administers a reinsertion program for former child soldiers.[1169] Its programs are assisted by the IOM through funds from USAID and the governments of Canada and Italy.[1170] The Colombian Ministry of Interior operates a program that finds housing for and provides grants and training to demobilized child combatants.[1171] The Government of Colombia participates in a 3-year inter-regional ILO-IPEC project funded by USDOL that aims to combat the involvement of children with armed groups.[1172]

The Office of the Human Rights Ombudsman, the National Police, and the IOM conducted a trafficking awareness raising program in schools.[1173] The government has an interagency trafficking advisory committee whose activities include information campaigns, training, and coordination with Interpol.[1174] The committee created a database to maintain information regarding trafficking cases.[1175] Immigration officials and NGOs collaborated to provide information to potential trafficking victims.[1176] Colombian missions in countries such as Japan assist trafficking victims.[1177] The government has worked to include business, especially those in the travel industry in anti-trafficking activities.[1178] The Inspector General's Office implemented a trafficking monitoring system in 10 departments.[1179]

The government participates in a USDOL-funded ILO-IPEC regional project to combat children's involvement in both domestic labor and commercial sexual exploitation.[1180] The National Police's program "Colombia without Prostitution" uses family and

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Annex 5, "Avances de Tercer Plan Nacional Para La Erradicación del Trabajo Infantil y La Protección de Trabajo Juvenil 2003-2006: Informe 2004", 18, 19, and 24.

[1167] U.S. Embassy- Bogota, *reporting*, August 25, 2004. See also ILO-IPEC official, email communication to USDOL official, November 8, 2005.

[1168] ILO, *Ratifications by Country; accessed December 16, 2005,* [database online] [cited May 28, 2004]; available from http://www.ilo.org/ilolex/english/newratframeE.htm.

[1169] U.S. Department of State, *Country Reports- 2004: Colombia*, Section 5. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*.

[1170] IOM, *Programmes and Projects: Excombatant children,* [online] n.d. [cited January 9, 2006]; available from http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=145.

[1171] Human Rights Watch, *You'll Learn Not to Cry*, 113-114.

[1172] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Program, project document*, Geneva, September 17, 2003.

[1173] U.S. Embassy- Bogota, *reporting, December 5, 2005*.

[1174] U.S. Department of State, *Country Reports- 2004: Colombia*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2005*.

[1175] U.S. Embassy- Bogota, *reporting, December 5, 2005*.

[1176] U.S. Department of State, *Trafficking in Persons Report- 2005*. See also IOM, "COLOMBIA - Migrant Information Center", [online], February 20, 2004; available from http://www.iom.int/en/archive/PBN200204.shtml.

[1177] U.S. Department of State, *Trafficking in Persons Report- 2005*.

[1178] Ibid.

[1179] U.S. Embassy- Bogota, *reporting, December 5, 2005*.

[1180] ILO-IPEC, *Prevention and Elimination of CDL and CSEC, project document*, 68 and 72.

community education to prevent the commercial sexual exploitation of children. ICBF operates shelters and treatment centers for children.[1181] The Colombian Institute of Geology and Mining is implementing a project to eradicate child labor in mining in cooperation with the UNDP.[1182] The government also participates in a USD 3.5 million, 4-year USDOL-funded project to combat child labor in hazardous agriculture through improved access to quality, basic education for children working or at-risk of working in hazardous agriculture.[1183]

Colombia's National Development Plan and the Education Development Plan 2003-2006 list increasing educational access and improving educational quality and efficiency as priorities.[1184] The Ministry of Education implements programs to improve school infrastructure in conflict zones, to promote the efficient use of human and financial resources, to improve literacy, and to increase access to basic and secondary education for rural, displaced, minority, and border communities.[1185] The Colombian Federation of Educators and the government have begun a program to assist violence-threatened teachers through investigations and teacher relocations.[1186] In November of 2005, the government of Colombia signed an agreement with the World Bank for a USD 86.4 million loan, part of which will be used to provide payments to families that meet certain conditions such as ensuring their children attend school.[1187] Through another loan from the World Bank, the government is working to improve educational quality and access in the country's rural areas.[1188] Additional funds from the World Bank are being used to improve basic and secondary education in the department of Cundinamarca.[1189]

[1181] ECPAT International CSEC Database, (Colombia; accessed June 30, 2005).
[1182] ICBF, "PEPTIMA, un ejemplo para las comunidades mineras," *Diálogos*, July 2005, 8; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/documentos/bol_min_col_icbf.pdf.
[1183] World Vision, *Combating Exploitive Child Labor Through Education in Colombia, project document*, Washington, D.C., 2005.
[1184] Katarina Tomašeski, *Report of the Special Rapporteur*, para. 12 and 18.
[1185] Ministerio de Educación, *Grafica de Indicadores Generales del Proyecto,* [online] [cited June 30, 2005]; available from http://www.mineducacion.gov.co/documentos/proyectos.asp?s=7.
[1186] U.S. Department of State, *Country Reports- 2004: Colombia*, Section 2a.
[1187] The loan will provide cash payments to families from December 2005 to December 2006. See World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$86.4 Million to the Republic of Colombia for a Social Safety Net Project*, 7-8.
[1188] The USD 40 million, 5-year, 8-month loan was awarded in 2000. See World Bank, *Rural Education Project,* [online] [cited June 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050578.
[1189] This USD 21.4 million, 5-year loan was funded in 2003. World Bank, *Cundimarca Education Quality Improvement [sic],* [online] [cited June 30, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P077757.

Comoros

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/17/2004	
Ratified Convention 182	3/17/2004	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 35.6 percent of children ages 5 to 14 years were counted as working in Comoros in 2000. Approximately 35 percent of all boys 5 to 14 were working compared to 36.2 percent of girls in the same age group.[1190] Children work in agriculture and family enterprises, particularly in subsistence farming and fishing.[1191] Children, some as young as 7 years old, also work as domestic servants in exchange for food and shelter.[1192] There are also growing numbers of working street children.[1193]

Primary education is compulsory until the age of 14.[1194] According to the U.S. Department of State, however, the government does not enforce attendance, and boys are often given preference.[1195] In 2002, the gross primary enrollment rate was 90 percent and in 1999, the most recent year for which data are available, the net primary enrollment rate was 55 percent.[1196] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 44.2 percent of children ages 5 to 14 years were attending school.[1197] There is a general lack of facilities, equipment, qualified teachers, textbooks

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[1190] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005, Section 6d. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1191] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child, Comoros*, CRC/C/15/Add.141, October 2000, para. 48. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Comoros*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41596.htm.

[1192] UN Committee on the Rights of the Child, *Summary Record of the 666th Meeting: Comoros*, CDC/C/SR.666, Geneva, June 2001, para. 3. See also U.S. Department of State, *Country Reports- 2004: Comoros*, Section 6d.

[1193] UN Committee on the Rights of the Child, *Concluding Observations*, para. 39. See also UN Committee on the Rights of the Child, *Summary Record*, para. 3.

[1194] Angela Melchiorre, "Comoros" in *At What Age are school-children employed, married, and taken to court?* ed. Duncan Wilson, 2004; available from http://www.right-to-education.org/.

[1195] U.S. Department of State, *Country Reports- 2004: Comoros*, Section 5.

[1196] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1197] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

and other resources.[1198] Salaries for teachers are often so far in arrears that many refuse to work.[1199]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.[1200] The Constitution prohibits forced and bonded labor, but the U.S. Department of State reports that the government does not prohibit forced or compulsory labor by children.[1201] Laws protecting the rights and welfare of children do not appear to be enforced due to the lack of inspectors.[1202]

Unmarried children under the age of 18 are considered minors, and the law protects them from sexual exploitation, prostitution, and pornography.[1203] The Criminal Code provides for 2 to 5 years of imprisonment and a fine of 150,000 to 2,000,000 francs (USD 364 to 4852) for anyone who is complicit in the prostitution of a minor or uses threats, coercion, violence, assault, or the abuse of authority.[1204] Article 323 of the Criminal Code also provides for the same penalties for complicity in international trafficking.[1205] A juvenile court can impose protective measures for persons under 21 years discovered engaging in prostitution.[1206]

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

The Government of Comoros is working to improve educational infrastructure with the assistance of a World Bank loan that supports the Service Support Credit Project. The project is scheduled to run through 2008.[1207]

[1198] Integrated Regional Information Networks, "Comoros: Trouble in Paradise", IRINnews.org, [online], December 8, 2003; available from http://www.irinnews.org. See also Integrated Regional Information Networks, "Southern Africa: UNICEF appeals for assistance for region's children", IRINnews.org, [online], December 2, 2003; available from http://www.irinnews.org.
[1199] UN Committee on the Rights of the Child, *Summary Record*, para. 23.
[1200] U.S. Department of State, *Country Reports- 2004: Comoros*, Section 6d.
[1201] Ibid., Section 6a.
[1202] Ibid., Section 5.
[1203] Ibid.
[1204] *Criminal Code of Comoros*, Article 323; available from http://209.190.246.239/protectionproject/statutesPDF/Comorosf.pdf.
[1205] Ibid.
[1206] Ibid., Article 327.
[1207] World Bank, *Service Support Credit,* in Projects Database, [online] 2004 [cited May 18, 2004]; available from http://www.web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=64027220&menuPK=349969&Projectid=P084315. See also World Bank, *Social Fund Project,* in Projects Database, [online] 2004 [cited May 18, 2004]; available from http://www.web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=349937&menuPK=349969&Projectid=P044824.

Congo, Democratic Republic of the

Selected Child Labor Measures Adopted by Governments		
Ratified ILO Convention 138	6/20/2001	
Ratified ILO Convention 182	6/20/2001	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plans (Commercial Sexual Exploitation and Child Soldiers)		

Incidence and Nature of Child Labor

An estimated 39.8 percent of children ages 10 to 14 years were counted as working in the Democratic Republic of the Congo in 2000. Approximately 39.9 percent of all boys 10 to 14 were working compared to 39.8 percent of all girls in the same age group.[1208] Children work in the informal sector and in subsistence agriculture, which constitutes the largest part of the economy.[1209] Some parents made their children hunt, fish, engage in prostitution, or beg in the streets to support their families instead of attending school.[1210] Children have also been used as forced laborers in the illegal exploitation of natural resources.[1211]

Children in the Democratic Republic of Congo have been negatively affected by continuing armed conflict.[1212] In November 2003, the UN Special Rapporteur to the Democratic Republic of Congo reported that there were large numbers of child refugees and war orphans engaged in street work, including begging and prostitution. The Rapporteur estimated that there were 25,000 to 50,000 street children.[1213] Armed groups recruited children into forced labor, sexual exploitation, and armed conflict.[1214]

[1208] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[1209] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Congo, Democratic Republic of the*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41597.htm.

[1210] Ibid.

[1211] Ibid. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children in the Democratic Republic of Congo (DRC)*, New York, June 2003, Page 7; available from http://www.watchlist.org/reports/dr_congo.report.pdf.

[1212] The fighting in the Democratic Republic of Congo is said to be the world's deadliest conflict since the Second World War. Within a 5-year period, 3.3 million people have been killed and many others have died from starvation or disease. Families trying to escape the fighting found themselves far from water, shelter and other basic services. See UNICEF, *At a glance: Congo, Democratic Republic of the,* UNICEF, [online] n.d. [cited June 30, 2005]; available from http://www.unicef.org/infobycountry/drcongo.html.

[1213] UN News Service, *DR of Congo Presents Frightening Picture of Human Rights Abuses - UN Expert,* [online] 2003 [cited May 25, 2004]; available from http://www.globalsecurity.org/military/library/news/2003/11/mil-031110-unnews04.htm. The report specifically noted that child refugees, war orphans, and "child sorcerers" roamed the streets. Child

Girls were often assaulted, raped, and infected with HIV/AIDS. Combatants also forced girls to provide sexual services and domestic labor for extended periods of time.[1215] In 2004, the Congolese Government demobilized approximately 3,080 children; it is no longer recruiting child soldiers. However, there were reports that the Government provided support to militia groups which continued to recruit and use children as soldiers. The total number of children associated with armed groups is unknown, but estimates vary from 20,000 to 40,000 children.[1216]

Primary school education in the Democratic Republic of the Congo is neither compulsory, free nor universal, and many children were not able to go to school because parents were unable to pay the enrollment fees. Parents were customarily expected to pay teachers' salaries.[1217] In 1998, the most recent year for which data are available, the gross primary enrollment rate was 50 percent.[1218] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 65 percent of children ages 10 to 14 years were attending school.[1219] As a result of the 6-year civil war, over 5.2 million children in the country receive no education.[1220]

Child Labor Laws and Enforcement

Article 6 of the Labor Code sets the minimum age for employment at 15 years.[1221] Children between the ages of 15 and 18 may work with the consent of a parent or guardian. Children under 16 may work up to 4 hours per day.[1222] Children under the age of 18 are prohibited from working at night.[1223] The Labor Code defines and prohibits the

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sorcerers are children accused of having mystical power, and have been subject to persecution. In some cases, their families abandon them. See U.S. Department of State, *Country Reports- 2004: DRC*, Section 5.

[1214] U.S. Department of State, *Country Reports- 2004: DRC*, Section 5.

[1215] Ibid. See also Human Rights Watch, *Democratic Republic of Congo: Briefing to the 60th Session of the UN Commission on Human Rights,* [online] 2004 [cited June 28, 2005]; available from http://hrw.org/english/docs/2004/01/29/congo7128.htm. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children*, 19.

[1216] U.S. Department of State, *Country Reports- 2004: DRC*, Section 5. See also Human Rights Watch, *Child Soldier Use 2003: A Briefing for the UN Security Council Open Debate- DRC*, New York, 2004; available from http://hrw.org/reports/2004/childsoldiers0104/6.htm. See UNICEF, *UNICEF Humanitarian Action Donor Update: Democratic Republic of Congo,* [online] 2004 [cited May 25, 2005]; available from http://unicef.org/emerg/Emergencies_DRC_Donor_Update_070504.pdf.

[1217] U.S. Department of State, *Country Reports- 2004: DRC*, Section 5.

[1218] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1219] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[1220] UNICEF, *Donor Update: DRC*.

[1221] Ministry of Labor and Social Affairs, *Written communication from the Government of the Democratic Republic of Congo*, public comments submitted in response to FRN, Kinshasa, January 7, 2005.

[1222] Sources did not indicate the number of hours that children ages 16 to 18 were permitted to work. See U.S. Department of State, *Country Reports- 2004: DRC*, Section 6d.

[1223] Government of the Democratic Republic of the Congo, *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*; available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E.

worst forms of child labor under penalty of imprisonment for a maximum of six months and a fine of 30,000 CF (72 USD).[1224] Some statutes allow prosecution of the worst forms of child labor. The Transitional Constitution and the Labor Code prohibit forced or bonded labor. The Labor Code also bans the recruitment of anyone under the age of 18 into the armed forces or their use in hostilities.[1225] The Labor Code prohibits the use of children as a means for trafficking drugs or other illicit activities such as prostitution or the production of pornographic materials.[1226] Since 1999, the government has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1227] The Ministry of Labor is responsible for enforcing child labor laws, but, according to the U.S. Department of State, has not effectively enforced them.[1228]

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

The government is implementing a national plan for Disarmament, Demobilization and Reintegration (DDR) of combatants including children, supported by the World Bank.[1229] World Bank programs include two directed specifically at child soldiers. These are the Support for the Reunification and Reintegration of Former Child Soldiers in the DRC, implemented by Save the Children; and Situation Assessment and Pilot Projects for Demobilization and Reintegration of Child Soldiers in Orientale, Northern Katanga and Maniema Provinces, implemented by the IRC, the International Foundation for Education and Self-Help (IFESH), and CARE International.[1230] The government participates in a regional ILO-IPEC project funded by USDOL to demobilize and rehabilitate children involved in armed conflict,[1231] and working with UNICEF to issue demobilization

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[1224] According to the government, the definition of the worst forms of child labor in the DRC Labor Code is the same as the definition in the ILO Convention No. 182. Ministry of Labor and Social Affairs, *Public Comments, January 7, 2005*.

[1225] Ibid. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report,* [online] 2004 [cited September 29, 2005]; available from http://www.child-soldiers.org/document_get.php?id=767.

[1226] Ministry of Labor and Social Affairs, *Public Comments, January 7, 2005*.

[1227] ILO-IPEC Geneva official, to USDOL official, email communication, November 14, 2005.

[1228] U.S. Department of State, *Country Reports- 2004: DRC*, Section 6d.

[1229] Multi-Country Demobilization and Reintegration Program, *National Program: Democratic Republic of Congo,* Multi-Country Demobilization and Reintegration Program, [online] n.d. [cited December 15, 2005]; available from http://www.mdrp.org/drc_main.htm. See also Government of the Democratic Republic of Congo, *Creation du Comite Interministeriel Charge de la Conception et de l'Orientation en Matiere de Desarmement, Demobilisation et Reinsertion*, Decret N. 03/041, (December 18, 2003).

[1230] Government of the Democratic Republic of Congo, *Creation du Comite Interministeriel Charge de la Conception et de l'Orientation en Matiere de Desarmement, Demobilisation et Reinsertion*.

[1231] The program began in 2003 and is scheduled to end in 2006. See ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflict in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, technical progress report, Geneva, March 25, 2003.

certificates for former child soldiers. The certificates are intended to guarantee that any child under the age of 18 is protected from military recruitment.[1232]

The Ministry of Family Affairs and Labor began to implement an action plan against sexual exploitation in conjunction with an international organization, and the Government has attended regional meetings on trafficking and sought to coordinate with neighboring governments to address the problem of trafficking in the region.

The Congolese Government and UNICEF are implementing a national campaign to promote girls' education. UNICEF provided basic school supplies to 1.5 million students and teaching materials to 17,000 teachers throughout the 2004-2005 school year.[1233] In June 2004, UNICEF re-opened schools for 1,000 children in two regions in the Democratic Republic of Congo, and is providing equipment to keep the schools open.[1234] Also in 2004, the African Development Bank approved a USD 7.7 million education grant aimed at strengthening institutional capacities through training, and through the provision of equipment, tools, and teaching materials.[1235] In 2005 UNICEF provided USD 3.3 million to provide 3.25 million school children with notebooks, pens and educational equipment, to repair schools, and to provide teaching materials and training for up to 22,000 teachers.[1236]

[1232] Integrated Regional Information Networks, "DRC: Gov't, UNICEF introduce child demobilisation certificates", IRINnews.org, [online], December 30, 2003 [cited December 16, 2005]; available from http://www.irinnews.org/report.asp?ReportID=38642&SelectRegion=Grea_Lakes&SelectCountry.

[1233] Integrated Regional Information Networks, "DRC: UNICEF launches "All Girls to School" Campaign", IRINnews.org, [online], December 16, 2003 [cited December 16, 2005]; available from http://www.irinnews.org/print.asp?ReportID=38451.

[1234] UNICEF, *At a Glance: Congo, Democratic Republic of the,* [online] 2005 [cited September 29, 2005]; available from http://www.unicef.org/infobycountry/drcongo.html.

[1235] Integrated Regional Information Networks, "DRC: Kinshasa gets US $7.74 million Education Grant", IRINnews.org, [online], 2004 [cited June 30, 2005]; available from http://www.irinnews.org/print.asp?ReportID=40116.

[1236] Integrated Regional Information Networks, *DRC: Interview of the administrator of UNICEF's education program, Mohamed Fall`,* IRINnews.org, [online] 2005 [cited September 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=48980&SelectRegion=Great_Lakes.

Congo, Republic of

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/26/1999	
Ratified Convention 182 8/23/2002	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in the Republic of Congo are unavailable.[1237] Children work with their families on farms or in informal business activities.[1238] In Brazzaville there are significant numbers of street children, primarily from neighboring Democratic Republic of the Congo, who engage in street vending, begging, and petty theft. There were isolated cases of children involved in prostitution.[1239] There have been no reports of recruitment of child soldiers since the rebels and the government signed a peace accord in March 2003.[1240] As of March 2004, however, a comprehensive process of disarmament had not begun because of continued hostilities between warring parties.[1241]

The Constitution establishes free and compulsory education up to the age of 16 years. Families, however, must cover the expenses of uniforms, books, and school fees.[1242] In 2002, the gross primary enrollment rate was 80 percent and the net primary enrollment rate was 54 percent.[1243] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for the Republic of Congo.[1244] As of 2001, 66 percent of children who started primary school were likely to reach grade 5.[1245] School infrastructure was significantly damaged during

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[1237] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[1238] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Congo*, Washington, DC, February 25, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41598.htm.

[1239] Ibid., Section 5. See also Integrated Regional Information Networks, "Congo: Street children a growing problem in Brazzaville", [online], May 6, 2005 [cited May 6, 2005]; available from http://www.irinnews.org/report.asp?ReportID=46742&SelectRegion=Great_Lakes&SelectCountry.

[1240] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=768.

[1241] Ibid.

[1242] Ibid.

[1243] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005).

[1244] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[1245] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

the country's ongoing conflicts; in addition, schools have few educational materials and lack hygiene and sanitation systems. Teacher training is also inadequate. These conditions have contributed to high dropout rates. There are also some reports that teenage girls are coerced by school officials into exchanging sex for better grades.[1246]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment, including apprenticeships, at 16 years. Exceptions may be permitted by the Ministry of Education after an inspection of the place of employment.[1247] The code prohibits forced or compulsory labor.[1248] The minimum age of enlistment for service in the armed forces in the Republic of Congo is 18, although children were recruited by government forces during the conflicts that occurred from 1998 to 2002.[1249]

Although there is no law specifically prohibiting the worst forms of child labor in the Republic of Congo, there are statutes under which the worst forms can be prosecuted. Since 1999, the Government of the Republic of Congo has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1250] The Penal Code criminalizes procuring a person for the purpose of prostitution and establishes penalties of 10 years of imprisonment and a fine of 10,000,000 CFA (USD 17,847.60) if such an act is committed with respect to a minor.[1251] While the law does not specifically prohibit trafficking in persons, under existing laws, traffickers could be prosecuted for slavery, rape, prostitution, forced labor, and illegal immigration. However, there were no reports that the government had prosecuted any traffickers under these laws.[1252] The Ministry of Labor is responsible for enforcing child labor laws and monitors businesses in the formal sector, but most child labor occurs in the informal sector or in rural areas that lack effective government oversight, according to the U.S. Department of State.[1253]

[1246] U.S. Department of State, *Country Reports- 2004: Congo*, Section 5. See also World Bank, *Republic of Congo: World Bank Supports Basic Education Project in the Republic of Congo,* World Bank, [online] 2005 [cited December 7, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/CONGOEXTN/0,contentMDK:20261338~menuPK:349218~pagePK:141137~piPK:141127~theSitePK:349199,00.html.
[1247] Government of the Republic of Congo, *Loi no 45-75 instituant un Code du travail de la République populaire du Congo*, (1975), Article 116; available from http://droit.francophonie.org/doc/html/cg/loi/fr/1975/1975dfcglgfr1.html#H_31.
[1248] There are some exceptions for military service and other civic duties. See Ibid., Article 4.
[1249] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.
[1250] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.
[1251] Articles 222-24 define a minor as a person less than 15 years of age. See Government of the Republic of Congo, *Penal Code*, (n.d.); available from http://www.protectionproject.org/main1.htm.
[1252] U.S. Department of State, *Country Reports- 2004: Congo*, Section 5.
[1253] Ibid. Section 6d.

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

The Government of the Republic of Congo is participating in a 3-year inter-regional ILO-IPEC project, funded by USDOL in 2003, to reintegrate children involved in armed conflicts into communities and prevent children from becoming involved in armed conflicts. USDOL is providing USD 7 million to the 7-country project.[1254] The government has also established the High Commission for Reintegration of Ex-Combatants, which has worked to demobilize child soldiers and offers them financial support and technical training. With funding from UNICEF, the Department of Social Action established the Traumatized Children Project, which provides counseling for former child soldiers.[1255]

The government is implementing a National Plan of Action for Education for All that, among other goals, aims to improve quality of and access to preschool, primary, non-formal, and vocational technical education by the year 2015. The plan also includes specific goals for increasing girls' school attendance.[1256] The World Bank is providing funding for an emergency reconstruction project that includes financing for school rehabilitation in Brazzaville and will run until 2007, and a basic education project which will run until 2008. This support to the education sector will provide school materials and rehabilitate buildings as well as provide training to teachers and school administration.[1257] In 2003, the Ministry of Territorial and Regional Development worked with the European Union and UNESCO to implement a school reintegration project for children displaced by natural disasters and the civil war. The project aims to promote non-formal literacy, rehabilitate schools, and provide HIV-AIDS and civics education to youths over an 18-month period.[1258] In 2005, the EU pledged a grant for the rehabilitation of primary and secondary schools in Brazzaville to which parents would contribute 25 percent.[1259] The WFP announced in 2004 that it would continue providing school meals for 2 years in regions of the country affected by past conflicts.[1260] USDA is providing over $14 million over fiscal years 2006 to 2008 to support various programs

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[1254] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

[1255] Funding for the High Commission's programs is provided by the World Bank. See also ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003.

[1256] Ministry of Primary and Secondary Education, *Plan National d'action de l'education pour tous*, Brazzaville, November 2002; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20941&URL_DO=DO_TOPIC&URL_SECTION=201.html. 40-75.

[1257] World Bank, *Emergency Infrastructure Rehabilitation and Living Conditions Improvement Project,* in Projects Database, [database online] December 6, 2003 [cited December 6, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074006. See also World Bank, *Republic of Congo*.

[1258] Integrated Regional Information Networks, "Congo: EU grants US $812,700 towards education, the fight against drug abuse", IRINnews.org, February 7, 2003 [cited June 1, 2004]; available from http://www.irinnews.org/print.asp?ReportID=32184.

[1259] Integrated Regional Information Networks, "CONGO: EU grants $171,449 for school reconstruction ", IRINnews.org, [online], June 27, 2005 [cited April 14, 2005]; available from http://www.irinnews.org/print.asp?ReportID=46635.

[1260] Integrated Regional Information Networks, "WFP extends operations by two years", [online], April 30, 2003 [cited December 6, 2005]; available from http://www.irinnews.org/print.asp?ReportID=40854.

operated by an American NGO, International Partnership for Human Development (IPHD). These programs support school feeding, malaria prevention in schools, distribution of school supplies, scholarships for girls, construction of water cisterns for schools, development of parent-teacher associations (PTAs), and school rehabilitation.[1261]

[1261] U.S. Embassy – Brazzaville Official, email correspondence to USDOL Official, August 11, 2006

Costa Rica

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/1976	
Ratified Convention 182	9/10/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 5.9 percent of children ages 5 to 14 years were counted as working in Costa Rica in 2002. Approximately 8.3 percent of all boys ages 5 to 14 years were working compared to 3.2 percent of girls in the same age group. The majority of working children were found in the agricultural sector (57.0 percent), followed by services (30.9 percent), manufacturing (7.8 percent), and other sectors (4.8 percent).[1262] The rate of work is higher in rural than in urban areas, with 9.6 percent of children ages 5 to 14 years working in rural areas, compared to 2.7 percent in urban areas.[1263] Children ages 5 to 14 also work in trade and repair of vehicle and appliances (19.5 percent), manufacturing (7.3 percent), hotels and restaurants (4.9 percent), construction (4.8 percent), and domestic service (2.8 percent).[1264] Among working males ages 5 to 17 years, agricultural (46.9 percent) and trade and repair work (21.4 percent) are followed by manufacturing (9.7 percent) and construction (9.6 percent). Among working females ages 5 to 17, agricultural (34.4 percent) and trade and repair work (22.6 percent) are followed by domestic work in third-party households (19.6 percent) and employment in hotels and restaurants (10.7 percent).[1265] Child labor is one of many problems associated with poverty. In 2000, less than 2.0 percent of the population in Costa Rica were living on less than USD 1 a day.[1266]

Commercial sexual exploitation of children is a continuing problem in Costa Rica,[1267] and is often associated with the country's sex tourism industry.[1268] Costa Rica is a

[1262] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1263] For adolescents ages 15 to 17 years, work rates are 34.5 percent in rural areas, and 15.3 percent in urban areas. INEC, MTSS, and ILO-IPEC, *National Report on the Results of the Child and Adolescent Labour Survey in Costa Rica*, San José, 2003., 26

[1264] Ibid., 31.

[1265] Ibid., 31.

[1266] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[1267] According to the National Institute of Children (PANI), street children in San José, Limón and Puntarenas are at particular risk of entering prostitution. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Costa Rica*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41755.htm. See also ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 11, 15.

source, transit and destination country for children trafficked for the purpose of commercial sexual exploitation.[1269] Most trafficking victims originate from Colombia, the Dominican Republic, Nicaragua, Panama, while others come from China, Cuba, Eastern Europe, Ecuador, Peru, the Philippines, and Russia. Cost Rica is also a transit point for individuals trafficked to the United States, Mexico, Canada, Japan, and Europe for commercial sexual exploitation.[1270]

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level, until age 15.[1271] In 2002, the gross primary enrollment rate was 108 percent and the net primary enrollment rate was 90.6 percent. [1272] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 90.1 percent of children ages 5 to 14 years were attending school.[1273] As of 2001, 92 percent of children enrolled in primary school were likely to reach grade 5.[1274] Schools in areas of high concentrations of immigrants are often over-crowded and have students over the age for their grade level.[1275] In some rural and urban schools, classroom instruction has been split into three 3-hour shifts because of space and personnel limitations.[1276] There are reports that the quality of education suffers because of a lack of pre-school and secondary coverage, a high percentage of unlicensed teachers, infrastructure problems, and outdated curriculum materials.[1277]

Child Labor Laws and Enforcement

The Childhood and Adolescence Code sets the minimum age for employment at 15 years.[1278] The Code prohibits minors under the age of 18 from working in mines, bars,

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[1268] ILO-IPEC, *Stop the Exploitation: Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, 2002, 9. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm.
[1269] U.S. Department of State, *Trafficking in Persons Report*.
[1270] Ibid.
[1271] U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 5.
[1272] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary: accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.
[1273] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[1274] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[1275] Almost 90 percent of immigrants to Costa Rica are from Nicaragua. It is estimated that 250,000 Nicaraguans are permanent residents in Costa Rica and between 60,000 to 100,000 are temporary migrants. See IDB, *Costa Rica: IDB Strategy with Costa Rica 2003-2006,* [online] 2003 [cited June 20, 2005], 3; available from http://www.iadb.org/EXR/doc98/apr/CRstra03E.pdf.
[1276] Students with commutes longer than instruction time often opt to drop out. See U.S. Embassy- San José, *reporting,* September 5, 2005.
[1277] UNICEF, *IV Estado de los Derechos de la Niñez y la Adolescencia en Costa Rica*, San Jose, 2004, 33.
[1278] Government of Costa Rica, *Código de la Niñez y la Adolescencia, 1998*, Article 78. See also Government of Costa Rica, *Código de Trabajo*, Articles 88 and 89. Jamie Daremblum, Costa Rican Ambassador to the United States, *Submission to the US Department of Labor in Response to a Request for*

and other businesses that sell alcohol; in unsafe and unhealthy places; in activities where they are responsible for their own safety or the safety of other minors; and where they are required to work with dangerous equipment, contaminated substances, or excessive noise.[1279] Also, under the Childhood and Adolescence Code, adolescents are not allowed to work at night or more than 6 hours a day or 36 hours a week.[1280] Forced and bonded labor is prohibited under the law.[1281] Costa Rica does not have armed forces, and the minimum age for recruitment to the police is 18 years.[1282]

The Government of Costa Rica has several laws that regulate the worst forms of child labor. The Children's Bill of Rights affirms the right of children and adolescents to protection from all forms of exploitation, including prostitution and pornography.[1283] The Law Against the Sexual Exploitation of Underage Persons, establishes penalties for those engaged in the commercial sexual exploitation of children.[1284] The Penal Code provides for a prison sentence of 4 to 10 years if the victim of sexual exploitation is under the age of 18. The Penal Code also provides punishments for trafficking minors into and out of the country for prostitution, ranging from 8 to 10 years of imprisonment.[1285] Costa Rican law prohibits Internet services from exposing children to pornography.[1286] Since 1999, the Government of Costa Rica has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1287]

The Ministry of Labor and Social Security (MTSS), through the Inspections Directorate, is responsible for investigating and enforcing labor violations.[1288] To address child labor on a local level, a head labor inspector is appointed in each Regional Office of the National Directorate of Labor Inspection.[1289] The Ministry of Labor reports that all labor inspectors are trained to identify and investigate child labor abuses.[1290] However, the

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Information on Efforts to Eliminate the Worst Forms of Child labor, Embassy of Costa Rica in the United States, September 6, 2002.

[1279] *Código de la Niñez y la Adolescencia, 1998*, Article 94. See also Ambassador of Costa Rica to the United States Jamie Daremblum, letter to USDOL official, October 23, 2001.

[1280] *Código de la Niñez y la Adolescencia, 1998*, Article 95. See also U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6d.

[1281] U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6c.

[1282] Coalition to Stop the Use of Child Soldiers, "Costa Rica," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=821.

[1283] U.S. Embassy- San José, *reporting*, August 2000.

[1284] Ministry of Foreign Trade, Submission to the U.S. Department of Labor of a Report and Comments on Child Labor Issues, official submission to USDOL Official, June 5, 2003, 5.

[1285] These provisions are found in Articles 170 and 172 of the Penal Code. See Interpol, *Legislation of Interpol member states on sexual offences against children: Costa Rica,* [online] [cited June 22, 2005]; available from http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp.

[1286] ILO-IPEC, *Technical Progress Report, "Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic"*, Geneva, September 9, 2004, 13.

[1287] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.

[1288] U.S. Embassy- San José, *reporting,* September 5, 2005.

[1289] Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 6.

[1290] U.S. Embassy- San José, *reporting,* August 25, 2004.

U.S. Department of State reports that inspections are restricted by a lack of human and capital resources.[1291] Child labor investigations can be initiated after an inspection, or in response to complaints filed by government, NGOs, or civil society (including exploited children and adolescents).[1292] From January to August 2004, the Office of Eradication of Child Labor, an office within the Ministry of Labor principally responsible for drafting and implementing action strategies and education programs, reported that it registered 740 child labor cases in its child labor database, of which 350 were children below the legal employment age of 15 years.[1293]

The government has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting clients.[1294] The National Institute of Children (PANI, *Patronato Nacional de la Infancia*), in coordination with the Ministry of Labor and Social Security, carries out investigations aimed at capturing abusers and providing protection to child victims.[1295] PANI and the Judiciary are responsible for addressing non-work-related cases of exploitation of children. The Public Prosecutor for Sexual Offenses is responsible for investigating and indicting cases of sexual exploitation of children.[1296] Although the government has been making efforts to raise awareness on commercial sexual exploitation and trafficking and to improve enforcement, the U.S. Department of State reports that lack of resources has hampered these efforts.[1297]

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

The Government of Costa Rica's policy framework for children, the "National Agenda for Children and Adolescents, 2000-2010," includes strategies to prevent and eliminate the worst forms of child labor and achieve 100 percent retention of children in basic education by the year 2010.[1298] In addition, the Government of Costa Rica launched its Second National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers 2005-2010.[1299] The government supports programs to raise awareness on the plight of street children.[1300] In April 2004, the

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[1291] U.S. Embassy- San José, *reporting,* September 5, 2005.
[1292] Jamie Daremblum, letter to USDOL official, October 23, 2001, 3.
[1293] U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6d.
[1294] Ibid., Section 5.
[1295] Government of Costa Rica, *Submission to the US Department of Labor of a Report and Comments on Sexual Exploitation of Children in Costa Rica*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Embassy of Costa Rica in the United States, August 23, 2004.
[1296] Jamie Daremblum, letter to USDOL official, October 23, 2001.
[1297] U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 5. See also See also U.S. Department of State, *Trafficking in Persons Report*.
[1298] Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 11, 21. The National Agenda includes many issues related to minors, is inter-institutional, and is promoted by the Council for Childhood and Adolescence.
[1299] Government of Costa Rica, *Segundo Plan Nacional de Acción: Para la Prevención, Erradicación del Trabajo Infantil y para la Protección especial de las Personas Adolescentes Trabajadoras*; available from http://www.oit.org.pe/ipec/documentos/plan_eti_costa_rica.pdf.
[1300] U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 5.

government and Save the Children-Sweden launched an awareness-raising campaign against trafficking and exploitation at Costa Rica's Juan Santamaria International Airport.[1301] The government also has a Master Plan on Children and Adolescents, which includes a chapter on the commercial sexual exploitation of children.[1302] The Commission against the Commercial Sexual Exploitation of Children established a sub-commission to specifically work on legislation and enforcement issues.[1303]

The Government of Costa Rica is participating in USDOL-funded projects implemented by the ILO-IPEC. These include a USD 3 million regional project to combat child labor in commercial agriculture,[1304] and a USD 8.8 million regional project aimed at combating commercial sexual exploitation of children.[1305] The Government of Costa Rica is also participating in a USD 5.5 million USDOL-funded regional Child Labor Education Initiative Program implemented by CARE, which seeks to strengthen government and civil society's capacity to address the educational needs of working children.[1306] With funding from the Government of Canada, ILO-IPEC has collaborated with the Government of Costa Rica to implement a USD 1 million Timebound Program from 2003 to 2005. The Timebound Program focused on creating an enabling environment at the national level to eliminate the worst forms of child labor, as well as activities to withdraw children from work in the Brunca Region.[1307] The United States is supporting the Costa Rican Supreme Court of Justice with funds to establish an investigative and prosecutorial team mandated to combat commercial sexual exploitation of children.[1308]

In the area of education, programs have focused on the reintegration of working children into the education system. The Government of Costa Rica has been providing small educational loans to families with children at risk of working.[1309] Costa Rica's Education Plan 2002-2006 includes strategies to provide universal access to pre-school; improve the quality of primary school, especially in disadvantaged communities; increase the

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[1301] Government of Costa Rica, *Submission and Comments on Sexual Exploitation of Children in Costa Rica*.
[1302] ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, Geneva, March 6, 2004, 3.
[1303] Ibid., 2.
[1304] This project is being carried out over a period of three years, spanning Sep 2003 to June 2006. ILO-IPEC, *Prevention and progressive elimination of child labor in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, Project Document, September 30, 2003.
[1305] This project began in Sep 2002 and is scheduled to end in June 2009. See ILO-IPEC, *Stop the Exploitation, project document*, 26-40.
[1306] USDOL, *Combating Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, 2004.
[1307] ILO-IPEC, *Combating the Worst Forms of Child Labor in Costa Rica: Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labour in Costa Rica*, Project Document, COS/03/P03/CAN, 2003.
[1308] This 2-year project began in 2004. See U.S. Department of State, *reporting*, March 18, 2004. See also U.S. Embassy- San José, *reporting,* August 25, 2004.
[1309] U.S. Department of State, *Country Reports- 2004: Costa Rica*, Section 6d. See also U.S. Embassy- San José, *reporting,* August 25, 2004.

coverage and quality of secondary school; and strengthen open and flexible education opportunities for adolescents and adults who combine school and work.[1310]

[1310] Ministry of Public Education, *Plan Educativo 2002-2006,* [online] 2003 [cited June 21, 2005]; available from http://www.mep.go.cr/PlanEducativo.html.

Côte d'Ivoire

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/7/2003	
Ratified Convention 182	2/7/2003	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking in Persons)		

Incidence and Nature of Child Labor

An estimated 36.7 percent of children ages 5 to 14 years were counted as working in Côte d'Ivoire in 2000. Approximately 36.9 percent of all boys 5 to 14 were working compared to 36.5 percent of girls in the same age group.[1311] The majority of working children are found in the informal sector, including in agricultural sectors such as cocoa, family-operated artisan gold and diamond mines, and domestic work.[1312] Some children working as domestics are subject to mistreatment, including sexual abuse.[1313] Children also shine shoes, run errands, watch and wash cars, sell food in street restaurants, and work as vendors or in sweatshop conditions in small workshops. Children have been found working in small businesses, tailor and beauty shops, and manufacturing and repair shops.[1314] There are also large numbers of street children in the country, particularly in Abidjan.[1315] Child labor is one of many problems associated with poverty. In 2002, 10.8 percent of the population in Côte d'Ivoire were living on less than USD 1 a day.[1316]

National armed forces and rebel groups are reported to recruit or use children in situations of armed conflict, sometimes on a forced basis.[1317] Rebel forces are also reported to actively recruit child soldiers from refugee camps and other areas in the

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[1311] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1312] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Côte d'Ivoire*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41599.htm.

[1313] Ibid., Section 5.

[1314] Ibid., Section 6d.

[1315] Since the 2002 rebellion, the number of children working in the streets, particularly girls, is reported to have increased. See Ibid., Section 5.

[1316] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[1317] United Nations Economic and Social Council, *Rights of the Child: Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu*, E/CN.4/2004/70, January 28, 2004, 11. See also U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5. Reports estimate that 3,000 children are involved with armed groups. See Save the Children, *Forgotten Casualties of War: Girls in armed conflict*, London, 2005, 7; available from http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2698_GAAF%20report.pdf.

western part of the country.[1318] Girls are allegedly abducted by armed opposition groups for exploitation as sexual slaves.[1319] There have been reports of Liberian children fighting in Côte d'Ivoire, many of them recruited in refugee camps in Côte d'Ivoire by both government armed forces and armed opposition groups.[1320] Ivorian child soldiers are also reported to fight in Liberia.[1321]

Côte d'Ivoire is a source and destination country for trafficked children.[1322] Children are trafficked into the country from Benin, Burkina Faso, Ghana, Mali, Mauritania and Togo to work as domestic servants, farm laborers, and indentured servants, as well as for sexual exploitation.[1323] Girls are trafficked within the country for domestic service, street vending, and exploitation in prostitution.[1324]

Children work in the cocoa sector in Côte d'Ivoire. Most children work alongside their families on farms owned either by immediate or extended relatives.[1325] Many of the working children come from outside the country's cocoa zone, either from other regions of Côte d'Ivoire or from countries such as Burkina Faso. Of the children employed as full-time workers, 29 percent reported that they were not free to leave their place of employment should they wish.[1326] Approximately one-third of children ages 6 to 17 years who live in cocoa-producing households have never attended school.[1327] Schooling is either unavailable or unaffordable for many of these children.[1328] Children are

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[1318] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5. See also Human Rights Watch, *Trapped Between Two Wars: Violence Against Civilians in Western Côte d'Ivoire*, New York, August 2003, 36; available from http://www.hrw.org/reports/2003/cotedivoire0803/cotedivoire0803.pdf.
[1319] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=771.
[1320] Amnesty International, *Côte d'Ivoire: Stop the Use of Child Soldiers*, press release, London, March 18, 2005; available from http://web.amnesty.org/library/pdf/AFR310032005ENGLISH/$File/AFR3100305.pdf. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.
[1321] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.
[1322] U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.
[1323] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.
[1324] They are sometimes trafficked to Europe for commercial sexual exploitation under the pretext of marriage. See U.S. Department of State, *Trafficking in Persons Report*. Children work in prostitution rings run by criminal networks, and also on an occasional basis. Children who work as occasional prostitutes also tend to work as street vendors, guards, or domestic servants. See ECPAT International, *Ivory Coast,* in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=83&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.
[1325] The Producer-Worker Survey revealed that 604,500 (96.7 percent) of the 625,100 children working in cocoa in Cote d'Ivoire had a kinship relation to the farmer. See International Institute of Tropical Agriculture, *Child Labor in the Cocoa Sector of West Africa: A synthesis of findings in Cameroon, Cote d'Ivoire, Ghana, and Nigeria*, August 2002, 16.
[1326] Ibid., 12-13.
[1327] International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa: Cameroon, Côte d'Ivoire, Ghana, and Nigeria*, IITA, July 2002.
[1328] U.S. Embassy- Abidjan, *reporting*, October 4, 2005.

involved in hazardous tasks that include spraying pesticides without protection, using machetes to clear undergrowth and carrying heavy loads.[1329]

Primary education in Côte d'Ivoire is not compulsory. It is tuition free, but some students must still pay for books, fees, and school supplies.[1330] Schools in rebel-held areas in northern Côte d'Ivoire that were closed after the civil war broke out reopened in September 2004. However, after the resumption of armed conflict in November 2004, the Minister of National Education recalled all the administrative staff and refused to certify the examinations of the students in the north. The Minister rescinded this decree in June 2005, and exams for these students were rescheduled for August 2005.[1331] However, these exams were repeatedly postponed during the year by the Ministry of National Education due to security concerns.[1332] Schools in government-controlled areas are having difficulty in absorbing the large numbers of displaced children from conflict zones as these schools do not have adequate capacity.[1333]

In 2002, the gross primary enrollment rate was 78 percent, and the net primary enrollment rate was 61 percent.[1334] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 52.3 percent of children ages 5 to 14 years were attending school.[1335] As of 1999, 88 percent of children who started primary school were likely to reach grade 5.[1336]

[1329] Approximately 200,000 children are involved in such tasks. See International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa*. See also USAID, *USAID and Labor Department Release Data from Collaborative Survey on Child Labor on Cocoa Farms in West Africa: W. African Governments and Global Chocolate Industry Working Jointly with U.S. to Combat Problem*, press release, Washington, D.C., July 26, 2002; available from http://www.usaid.gov/press/releases/2002/pr020726_2.html.

[1330] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5.

[1331] Lack of teachers and administrators, shortage of school supplies, lost school records, displacement of families, and poverty have been cited as challenges in the re-opened schools. See Integrated Regional Information Networks, "COTE D IVOIRE: Schools slow to reopen in the rebel-held north," IRINnews.org, [online], March 2, 2004 [cited July 5, 2005]; available from http://www.irinnews.org/print.asp?ReportID=39794. See also U.S. Embassy- Abidjan official, email communication to USDOL official, June 15, 2005. See also ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP) - March 2005 TPR*, technical progress report, Geneva, March 15, 2005, 3.

[1332] U.S. Embassy- Abidjan, email communication to USDOL official, October 1, 2005.

[1333] Relief Web, "Côte d'Ivoire Crisis Devastating Children's Education", ReliefWeb, [previously online], December 11, 2003 [cited February 6, 2004]; available from http://wwww.reliefweb.int/w/rwb.nsf/s/96AB6336D490862FC1256DFD00547E95 [hard copy on file]. See also Integrated Regional Information Networks, "COTE D IVOIRE: Civil war means no school, no shots for millions of children", IRINnews.org, [online], December 9, 2004 [cited June 16, 2005]; available from http://www.irinnews.org/report.asp?ReportID=44602.

[1334] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1335] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*.

[1336] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, even for apprenticeships, and requires that children under 18 get at least 12 consecutive hours of rest between work shifts, and prohibits them from working at night.[1337] Decree No. 96-204 also prohibits night work by children ages 14 to 18 years, unless granted an exception by the Labor Inspectorate,[1338] and Decree No. 67-265 sets the minimum age for hazardous work at 18 years.[1339] The Minority Act requires parents or legal guardians to sign employment contracts on behalf of children under 16 years of age and to serve as witnesses to the signing for children between the ages of 16 and 18.[1340] The Labor Inspectorate can require children to take a medical exam to ensure that the work for which they are hired does not exceed their physical capacity.[1341] Decree No. 96-193 restricts children from working in certain places such as bars, hotels, and pawnshops.[1342]

The Labor Code prohibits forced or compulsory labor.[1343] Since 1999, the Government of Côte d'Ivoire has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1344] In October 2004, the government produced a list of hazardous tasks in the cocoa sector,[1345] and in March 2005, the government adopted a decree defining hazardous work that is forbidden for children under 18 years. The decree outlines prohibited work in the categories of agriculture, forestry, mining, commerce and urban domestic sector, artisanship, and transport.[1346] The minimum age for both voluntary and compulsory recruitment into the military is 18 years.[1347]

[1337] Government of Cote d'Ivoire, *Code du travail, 1995*, no. 95/15, Articles 22.2, 22.3 and 23.8; available from http://natlex.ilo.org/txt/F95CIV01.htm.
[1338] Decree No. 96-204, Article 4, as cited in U.S. Embassy- Abidjan, *reporting,* October 1, 2001. Employers found in violation of the night work prohibition are punishable with imprisonment from 10 days to 2 months and/or a fine ranging from 2,000 to 72,000 FCFA (USD 3.63 to 130.67). For currency conversion, see FX Converter.
[1339] ILO, *The Effective Abolition of Child Labour*, 2001, 261.
[1340] UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1993, Addendum*, CRC/C/8/Add.41, prepared by Government of Côte d'Ivoire, pursuant to Article 44 of the Convention on the Rights of the Child, 2000, para. 85.
[1341] If the child cannot perform the required tasks, the employer must move him/her to a suitable job, and if that is not possible, the contract must be cancelled. See *Code du travail, 1995*, Article 23.9.
[1342] U.S. Embassy- Abidjan, *reporting,* October 1, 2001.
[1343] *Code du travail, 1995*, "Dispositions Générales", Article 3.
[1344] ILO-IPEC official, email communication, November 14, 2005.
[1345] Guy M'Bengue and Gérard Amangoua, Briefing by Delegation from Côte d'Ivoire, Meeting with USDOL officials, October 13, 2004. See also ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP) - December 2004 status report*, status report, Geneva, December 8, 2004, Annex 2.
[1346] Government of Côte d'Ivoire, Ministère de la Fonction Publique et de l'Emploi, *Arrêté n° 2250 portant détermination de la liste des travaux dangereux interdits aux enfants de moins de dix huit (18) ans*, (March 14, 2005).
[1347] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

Although there is no law specifically prohibiting the worst forms of child labor in Côte d'Ivoire, there are statutes under which the worst forms can be prosecuted. Under the Penal Code, persons convicted of procuring a prostitute under the age of 21 may be imprisoned for 2 to 10 years and fined 2,000,000 to 20,000,000 FCFA (USD 3,630 to 36,298).[1348] While there is no law specifically prohibiting trafficking in persons, abduction, receiving a person as financial security, and forced labor are prohibited by the Penal Code.[1349]

A Focal Unit in the Ministry of Labor is responsible for child labor issues.[1350] The U.S. Department of State reported that minimum age laws are effectively enforced by the Ministry of Employment and Civil Service in the civil service and in large multinational companies.[1351] Child labor laws in Côte d'Ivoire apply to all sectors and industries in the country, although a lack of government resources makes it difficult to enforce these laws in the informal sector.[1352] Enforcement of child labor prohibitions is also hindered by the lack of a regulatory and judicial framework. Reports indicate that courts in the North are no longer functioning due to the conflict. In the South, five people were convicted of trafficking in 2004.[1353]

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

The Government of Côte d'Ivoire participates in a 6-year regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[1354] Côte d'Ivoire also participates in a 3-year ILO-IPEC program funded by USDOL and the Cocoa Global Issues Group that seeks to withdraw children from hazardous work in the cocoa sector and provide them with education and training alternatives, and in another USDOL-funded project aimed at addressing training and educational alternatives for children engaged in, or at risk of, harmful work.[1355] The

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[1348] Government of Côte d'Ivoire, *Penal Code*, Articles 335, 336; available from http://209.190.246.239/protectionproject/statutesPDF/CoteDIvore.pdf. For currency conversion, see FX Converter, [online] n.d. [cited July 5, 2005]; available from http://www.carosta.de/frames/convert.htm.
[1349] U.S. Department of State, *Trafficking in Persons Report*.
[1350] Departmental Order No. 2004-8792 was signed on August 9, 2004. See ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP), September 2004 TPR*, technical progress report, Geneva, September 2004, 6.
[1351] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 6d.
[1352] U.S. Embassy- Abidjan, *reporting,* October 1, 2001. See also U.S. Embassy- Abidjan, *reporting*, August 23, 2004. See also U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 6d.
[1353] U.S. Embassy- Abidjan, *reporting*, August 23, 2004. See U.S. Department of State, *Trafficking in Persons Report*.
[1354] The project covers Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo. See International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA), Project Summary*, 2004.
[1355] The ILO-IPEC project is scheduled to close in April 2006. See International Child Labor Program U.S. Department of Labor, *West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor (WACAP)*, project summary. See also Winrock International, *Community-Based Innovations to Reduce Child Labor through Education (CIRCLE)*, project document, July 2002, 1, 20.

government is also collaborating with ILO-IPEC to conduct a survey of child labor in the country.[1356]

In July 2005, Côte d'Ivoire was one of 9 countries to sign a multilateral cooperative agreement to combat child trafficking in West Africa.[1357] On a bilateral level, the Ministries of Employment and of Family, Women, and Children's Affairs cooperated with Malian authorities during the year to combat child trafficking and to repatriate Malian children found in Côte d'Ivoire.[1358] Twenty employees of the Ministry of Family are dedicated to working on child trafficking issues.[1359] A national committee, comprised of representatives from the government, national and international organizations, and NGOs, also works to combat child trafficking.[1360] In October 2004, the National Committee against Trafficking adopted a national training plan that includes training for judges, defense forces, NGOs, bus drivers, journalists, and radio personalities in the southern region.[1361] The government is establishing field committees to monitor and prevent child labor on cocoa farms,[1362] and is working with local governments and NGOs to establish neighborhood watch groups to combat child trafficking.[1363] UNICEF conducts advocacy campaigns with government and rebel authorities to prevent the recruitment of children into armed conflict.[1364]

In 2004, the Government of Côte d'Ivoire created an Inter-Ministerial Committee to Combat Child Labor, which is comprised of members of government, NGOs, and unions/cooperatives representing cocoa farmers. In May 2005, the committee adopted the National Action Plan to Combat Child Labor. Under the plan, the government is financing and implementing a USD 2.4 million pilot child labor monitoring system project in the Oume district.[1365]

In January 2005, the Prime Minister of Côte d'Ivoire established a Cocoa Task Force, which worked with the international cocoa industry to develop a plan of action to enable Côte d'Ivoire to have a national child labor monitoring system in 50 percent of the country by July 1, 2008.[1366] The Inter-Ministerial Committee to Combat Child Labor

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[1356] ILO-IPEC, *IPEC Action Against Child Labour - Highlights 2004*, online, Geneva, October 2004, 20; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.
[1357] *Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa,* July 27, 2005.
[1358] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5.
[1359] U.S. Department of State, *Trafficking in Persons Report*.
[1360] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5.
[1361] However, due to increased instability, implementation has been stalled. See U.S. Department of State, *Trafficking in Persons Report*.
[1362] Integrated Regional Information Networks, "COTE D IVOIRE: Ending the worst forms of child labour on cocoa farms", IRINnews.org, [online], June 28, 2005 [cited June 30, 2005]; available from http://www.irinnews.org/report.asp?ReportID=47847.
[1363] U.S. Department of State, *Trafficking in Persons Report*.
[1364] UNICEF, *At a glance: Côte d'Ivoire,* in UNICEF, [online] n.d. [cited June 20, 2005]; available from http://www.unicef.org/infobycountry/cotedivoire.html.
[1365] U.S. Embassy- Abidjan, *reporting,* October 4, 2005.
[1366] Ibid. See also World Cocoa Foundation, *Joint Statement from U.S. Senator Tom Harkin, Representative Eliot Engel and the Chocolate/Cocoa Industry on Efforts to Address the Worst Forms of*

approved the action plan submitted by the Cocoa Task Force in September 2005. Under the plan, a census is to be conducted in the cocoa producing areas of the country in order to provide a countrywide baseline of child labor in this sector.[1367]

The government is implementing a National Development Plan for Education, which calls for universal primary school education by 2010.[1368] WFP works with the government to operate a system of school canteens throughout the country.[1369] UNICEF provides teaching supplies, constructs temporary classrooms for displaced populations, and trains teachers to provide psycho-social support and peace education.[1370]

Child Labor in Cocoa Growing, press release, Washington, DC, July 1, 2005; available from http://responsiblecocoa.org/news/press-release-070105.aspx.

[1367] U.S. Embassy- Abidjan, *reporting,* October 4, 2005.

[1368] Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, UNICEF Statistics, Abidjan, December 2000, 24.

[1369] U.S. Department of State, *Country Reports- 2004: Côte d'Ivoire*, Section 5.

[1370] UNICEF, *At a glance: Côte d'Ivoire*.

Croatia

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 10/8/91	
Ratified Convention 182 7/17/01	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Croatia are unavailable.[1371] Children are employed in the hospitality, retail, industrial, construction, and media (film and reality television) sectors. Roma children reportedly are vulnerable to exploitation in begging and in the agricultural sector, and officials reported handling 28 cases of child pornography.[1372] Child labor is one of many problems associated with poverty. In 2001, less than 2 percent of the population of Croatia was living on less than USD 1 a day.[1373] Reports indicate that Croatia is primarily a transit country and, to a limited extent, is also a source and destination country for trafficking of children for commercial sexual exploitation.[1374]

Education is free and compulsory in Croatia.[1375] The Elementary Education Law (1990) requires 8 years mandatory education for children to begin at 6 years of age.[1376] Children generally complete compulsory education at age 14; however, most Croatian children remain in school until age 18.[1377] In 2002, the gross primary enrollment rate was 97

[1371] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1372] U.S. Embassy- Zagreb, *reporting,* August 2006 based on Ministry of Justice, August 2005 and State Attorney's Office, August 2006.

[1373] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[1374] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Croatia*, November 2003, 124 and 131; available from http://www.osce.org/documents/odihr/2003/12/1645_en.pdf.

[1375] *Constitution of the Republic of Croatia*, (December 1990, as amended on April 2, 2001), Article 65; available from http://www.oefre.unibe.ch/law/icl/hr00000_.html.

[1376] Embassy of the Republic of Croatia to the U.S., Report for the period until 2003, made by the Government of the Republic of Croatia, in accordance with article 22 of the Constitution of the International Labour Organization, on the measure taken to give effect to the provision of the Worst Forms of Child Labour Convention, 1999 (No. 182), letter to USDOL official, 2004, 17. See also UNESCO, *Education for All 2000 Assessment: Country Reports-Croatia*, prepared by Ministry of Education and Sport, pursuant to UN General Assembly Resolution 52/84; available from http://www2.unesco.org/wef/countryreports/croatia/contents.html.

[1377] U.S. Department of State, *Country Reports on Human Rights Practices - 2004: Croatia*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2005/61642.htm.

percent, and the net primary enrollment rate was 89 percent.[1378] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Croatia.[1379] In general, ethnic Roma children face many obstacles to continuing their schooling, such as discrimination in schools and lack of family income to continue studies.[1380]

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years, and children ages 15 to 18 may only work with written permission from a legal guardian. 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.[1381] The minimum work age is enforced by the Ministry of Economy, Labor, and Entrepreneurship (MELE).[1382] 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. More specifically, children under age 18 are prohibited from working in bars, nightclubs, and gambling establishments.[1383] The corporate fine for employing an underage person unlawfully is USD 9,870 to 16,181, and executives in the corporation may be fined individually USD 1,133 to 1,618.[1384] The

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[1378] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.apsx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1379] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[1380] U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5.

[1381] *Croatia Labour Act of 2004 (No. 137/2004)*, Articles 21-22. In 2004, 14 children between the ages of 16 and 18 were found to be working without the written consent of their legal representatives. Labor inspectors also determined that 11 children under the age of 15 were working in the film industry or in theater in 2004, although no requests were made to the State Inspectorate for approval of employment of these minors. See U.S. Embassy-Zagreb, *reporting,* August 26, 2005.

[1382] U.S. Department of State official, email communication to USDOL official, September 9, 2004.

[1383] *Croatia Labour Act of 2004*, Articles 23 and 41. See also Government of Croatia, *Safety and Health Protection at the Workplace Act, 1996*, (June 28, 1996), Section 40; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45063/65037/E96HRV01.htm. See also Government of Croatia, *Regulations concerning jobs at which a minor may not be employed and jobs at which a minor may be employed after the prior determination of the minor's health capacity (Official Gazette No. 59/02)*, as cited in ILO Committee of Experts, *Direct Request on the Worst Forms of Child Labour Convention, 1999 (No. 182) Croatia (ratification: 2001),* [online] [cited June 18, 2005]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. The Regulation on Jobs with Special Working Conditions (Official Gazette No. 05/84) provides a comprehensive list of types of hazardous work that children under 18 are prohibited from performing. See ILO Committee of Experts, *Direct Request (No. 182): Croatia*. In 2004, labor inspectors documented 12 minors working overtime and 29 working at night. Six minors received serious injuries through their work in construction and on industrial machines. See U.S. Embassy-Zagreb, *reporting,* August 26, 2005.

[1384] USDOL consultant, email communication to USDOL official, July 27, 2005. Article 248 of the Croatia Labour Act of 2004 sets the corporate fine at 61,000 to 100,000 Croatian Kuna and the fine for executives at 7,000 to 10,000 Croatian Kuna. For currency conversion, see FXConverter, [online] [cited October 24, 2005]; available from http://www.oanda.com/convert/classic.

Family Law contains provisions for the protection of the rights and welfare of children.[1385] The Children's Ombudsman coordinates government efforts to promote and protect the interests of children and is obligated to report any findings of exploitation to the State's Attorney's Office.[1386] The Constitution prohibits forced or bonded labor,[1387] and the Criminal Code bans individuals from forcing children to beg.[1388] The minimum age for conscription into the military is 18.[1389]

The worst forms of child labor may be prosecuted under different statutes in Croatia. The Criminal Code outlaws international prostitution, including solicitation of a minor, and prohibits procurement of minors for sexual purposes.[1390] The law also forbids using children for pornographic purposes. Article 178 (1) of the Criminal Code indicates that international prostitution pertains to, "[w]hoever tempts, recruits or instigates the other person to provide sexual services for profit in a country other than the one whose resident or citizen that person is," and Article 178 (2) indicates, [w]ho compels another person by using physical force, or induces that person using threats, or by deceit to go to a country other than the country of that person's residence or citizenship, to provide sexual services for money…"[1391] In July 2004, the Criminal Code was amended, introducing the trafficking of persons as a separate criminal act with a minimum prison sentence of 5 years when a child or a minor is involved.[1392] Since 1999, the Government of Croatia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1393] The Children's Council within the State Institute for the Protection of the Family monitors and promotes the application of the Convention on the Rights of the Child.[1394]

[1385] Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182).

[1386] The Ombudsman has no legal authority to impose penalties but works closely with the police and the district attorney's office to follow-up on abuse allegations. See U.S. Embassy- Zagreb, *reporting*, August 27, 2004. See also ILO Committee of Experts, *Direct Request (No. 182): Croatia*.

[1387] *Constitution of the Republic of Croatia*, Article 23.

[1388] Government of Croatia, *Criminal Code*, Article 213(2), as cited in ILO Committee of Experts, *Direct Request (No. 182): Croatia*.

[1389] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, 2004, 231; available from http://www.child-soldiers.org/document_get.php?id=966.

[1390] Per Article 178(3) of the Criminal Code, the penalty for international prostitution involving a child or minor is imprisonment for 1 to 10 years. The penalty for procuring a child is imprisonment for 1 to 8 years under Article 195(4). See Government of Croatia, *Criminal Code*, Articles 178 and 195, as cited in Interpol, *Legislation of Interpol member states on sexual offenses against children,* [online] [cited June 27, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaCroatia.asp.

[1391] The penalty for exploiting children or minors for pornographic purposes is imprisonment from 1 to 5 years. The penalty for exposing a child to pornography is a fine or imprisonment for up to 1 year. See Government of Croatia, *Criminal Code*, Articles 178, 196, and 197, as cited in Ibid.

[1392] U.S. Embassy- Zagreb, *reporting,* August 27, 2005.

[1393] ILO-IPEC official, email communication, November 14, 2005.

[1394] Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182), 8-9.

In 2005 the Labor Inspectorate reported one case in which a minor was employed in a job potentially threatening to his health at a construction site; confirmed three cases of under-age persons working in jobs with "special conditions," a violation of Article 40 of the Law on Safety at Work; and confirmed 14 children under age 15 and 21 between the ages of 15 and 18 were working after 7 p.m. in a theater production, also a violation. Labor inspectors also reported 107 cases of minors (77 female, 30 male) illegally working the night shift in restaurants, stores, industry, kitchens and bakeries. In all cases the owners were charged with violations under the Labor Law and ordered to stop hiring minors for night work.

Children begging in the streets is common year round and more apparent before holidays. The Ministry of Interior reported that from Jan. 1, 2001 to Dec. 31, 2003 (the most current numbers available), there were 219 cases of children begging and 126 charges were filed against adults for begging with children. The Labor Inspectorate ordered the Ministry of the Interior and the Ministry of Health and Social Welfare to more stringently search for and process violators and called for better cooperation between social agencies and police.

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

The Government of Croatia has established a general child protection plan, under which the National Action Program for Children provides preventive and protective measures for children with regard to all types of sexual abuse, including commercial sexual exploitation.[1395] The government also adopted a National Plan of Action on Trafficking in November 2002 and is implementing it through a National Committee for the Suppression of Trafficking in Persons.[1396] In 2004, the government further adopted a National Strategy for the Suppression of Trafficking in Persons from 2005 to 2008 and an Operational Plan for the Suppression of Trafficking in Persons for 2005.[1397] Additionally, the government appointed an anti-trafficking coordinator and provided direct funds to implement the national plan.[1398]

The trafficking action plan calls for training programs for all professionals working with groups at high risk of trafficking, including children, and schools are to develop curricula on the issue.[1399] Since 2003, women and children taken into custody as illegal migrants

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[1395] Ibid.
[1396] UNOHCHR UNICEF, OCSE/ODIHR, Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe: 2004 - Focus on Prevention*, March 2005, 134-135; available from http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf.
[1397] Ibid., 134.
[1398] U.S. Department of State, *Trafficking in Persons Report*.
[1399] Unaccompanied children are recognized as a particularly vulnerable group needing special attention. See UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 126, 132-134. The IOM is heading a project to develop a preventative education module on counter-trafficking, in partnership with the Ministry of Education and local NGOs for high school students. See IOM, *High School Preventive Education on Trafficking in Human Beings in Croatia (HSPE),* [online] 2004 [cited June 28, 2005]; available from

are screened as potential trafficking victims,[1400] though the U.S. Department of State has indicated that failure to identify trafficking victims among illegal aliens remains a serious problem, resulting in an underestimation of those trafficked in Croatia.[1401] Local Social Welfare Centers provides assistance to detainees suspected of being underage.[1402] The government has established a shelter for victims of trafficking; IOM provides assistance and support to victims.[1403] The government also conducted in-service police training on trafficking-recognition, funded a national hotline for victims of trafficking and anti-trafficking awareness campaigns, and co-sponsored with several NGOs a number of prevention programs on the trafficking of persons.[1404]

In June 2004, a working group on child trafficking was established.[1405] The Child Trafficking Prevention Program is being implemented by the Center for Social Policy Initiatives, a national NGO, in partnership with the Ministry of Labor and Social Welfare, the Ministry of the Interior, and IOM. Modules have been developed on child trafficking, child exploitation, sexual exploitation of children, child pornography, and other worst forms of child labor. Teachers have been trained to use the program, and a pilot project is underway in five elementary schools in Zagreb.[1406] The government also works with international organizations to assist trafficking victims and cooperates with other governments in the region.[1407] According to the Ministry of Justice, in 2004, there were 26 charges filed for the exploitation of children used in pornographic media, and one individual was charged with trafficking in human beings and slavery.[1408] The State Attorney's Office reported 19 of those cases were closed in 2005 in which 16 resulted in convictions, two were found not guilty and one was dismissed. The office reported seven ongoing investigations.

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http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=HR1Z022. See also UNICEF, *2004 Focus on Prevention*, 216.

[1400] This was reported in the National Committee for the Suppression of Trafficking in Persons, *Country Report – Croatia*, May 2003, as cited in UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 127-128.

[1401] U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5.

[1402] UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 128.

[1403] U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5. See also UNICEF, *2004 Focus on Prevention*, 215, 219, and 222.

[1404] U.S. Department of State, *Trafficking in Persons Report*. See also UNICEF, *2004 Focus on Prevention*, 213-223.

[1405] The working group includes representation from the National Human Rights Office, the Children's Ombudsman, Ministry of Interior; Ministry of Science and Education; Ministry of Health and Social Welfare; and the District's Attorney's Office. See U.S. Embassy- Zagreb, *reporting,* August 27, 2005.

[1406] UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 134. See also UNICEF, *2004 Focus on Prevention*, 221.

[1407] UNICEF, *2004 Focus on Prevention*, 136-137 and 215.

[1408] U.S. Embassy-Zagreb, *reporting,* August 26, 2005.

Through 2007, Croatia is participating in a regional program implemented by ILO-IPEC on combating child labor in the Stability Pact Countries, with a special focus on the worst forms of child labor.[1409]

The Office for National Minorities has a special program for the inclusion of Roma children in the education system in Croatia. According to the 2003 National Program for Roma, the primary obstacles to Roma access to primary school is a weak knowledge of the Croatian language. In response, the government has committed funding to support additional Croatian language teachers and pre-school instruction for Roma children.[1410] A school feeding program is available to children.[1411] Croatia also initiated the program, "Decade of Roma Inclusion 2005-2015," to better document and aid the Roma minority community.

[1409] Participating countries are Albania, Bulgaria, Bosnia-Herzegovinia, Former Yugoslav Republic, Croatia, Macedonia, Moldova, and Romania. See ILO- IPEC official, email communication, November 8, 2005.
[1410] U.S. Embassy- Zagreb, *reporting,* August 27, 2005.
[1411] U.S. Department of State, *Country Reports - 2004: Croatia*, Section 5.

Djibouti

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Djibouti are unavailable.[1412] In rural areas, children perform unpaid labor on family farms or herding livestock.[1413] In urban areas, children work in the informal sector in small-scale businesses, trade, catering, crafts, or as domestic servants.[1414] Children displaced from neighboring countries also work in the informal sector as shoe polishers, car washers, *khat*[1415] sellers, street peddlers, money changers, beggars, and in commercial sexual exploitation.[1416] Many of these same children become victims of trafficking.[1417] Commercial sexual exploitation of children reportedly occurs in urban areas, particularly among displaced children from Somalia and Ethiopia.[1418]

[1412] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[1413] U.S. Embassy - Djibouti, *reporting*, August 17, 2005.

[1414] UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1993*, CRC/C/8/Add.39, prepared by Government of Djibouti, pursuant to Article 44 of the Convention on the Rights of the Child, February 1998, paras. 144-45; available from http://66.36.242.93/reports/djibouti_crc_c_8_add.39_1998.php.

[1415] "*Khat*" is a leaf that is chewed and its effect is as a stimulant. See Peter Kalix, *Khat (Qat, Kat): Chewing Khat*, World Health Organization, 1986; available from http://www.a1b2c3.com/drugs/khat2.htm.

[1416] ILO, *Review of Annual Reports Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work, The Effective Abolition of Child Labour: Djibouti, GB.277/3/2*, Geneva, March 2000. See also U.S. Embassy- Djibouti, *reporting,* August 24, 2004. See also U.S. Embassy - Djibouti, *reporting,* August 17, 2005.

[1417] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/.

[1418] ECPAT International, *Djibouti,* in ECPAT International, [database online] [cited June 16, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Djibouti*, CRC/C/15/Add.131, United Nations, Geneva, June 2000, para. 57; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9af640001bbfa27180256900003612b6?Opendocument. See also U.S. Embassy- Djibouti, *reporting*, October 16, 2002.

Education is free and compulsory for children between the ages of 6 and 16 years.[1419] Although education is free, the additional expenses of transportation, uniforms, and books often prevent poor families from sending their children to school.[1420] In 2003, the gross primary enrollment rate was 42 percent, and the net primary enrollment rate was 36 percent.[1421] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.[1422] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance is particularly low in rural areas where many people are nomads or semi-nomads.[1423] According to one estimate, approximately 65,000 school-aged children are currently not attending school in the country.[1424] As of 2001, 80 percent of children who started primary school were likely to reach grade 5.[1425]

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Djibouti. The Labor Code sets the minimum age for employment at 14 years.[1426] Forced and bonded labor of children is also prohibited, and according to the U.S. Department of State, there were no reports that these practices occurred.[1427] Djibouti does not have compulsory military service.[1428] Since 1994, entry into the military is voluntary.[1429] The Penal Code provides protection for children against many of the worst forms of child labor, such as the use of children for prostitution, pornography, and trafficking of drugs.[1430] The authority to enforce child labor laws and regulations rests with the Police Vice Squad "Brigade Des Moeurs" and the local police department "Gendarmerie". The

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[1419] U.S. Embassy- Djibouti, *reporting,* December 30, 2002. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Djibouti*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41600.htm.
[1420] *U.S. Department of State, Country Reports- 2004: Djibouti, Section 5.*
[1421] UNESCO Institute for Statistics, "Gross and Net Enrolment Ratios, Primary; accessed December 2005," available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51.
[1422] In 2001, the gross primary enrollment rate was 34.8 percent for girls and 45.7 percent for boys. The net primary enrollment rate was 29.6 percent for girls and 38.3 percent for boys. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004.
[1423] UN Integrated Regional Information Networks, *Djibouti: Special report on girls' education,* [online] [cited June 22, 2005]; available from http://www.irinnews.org/report.asp?ReportID=39139&SelectRegion=Horn_of_Africa&SelectCountry=DJIBOUTI.
[1424] U.S. Embassy- Djibouti, *reporting,* August 24, 2004.
[1425] UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55.
[1426] ILO, *The Effective Abolition of Child Labour: Djibouti*. See also U.S. Department of State, *Country Reports- 2004: Djibouti*, Section 6d. See also U.S. Embassy- Djibouti, *reporting,* August 24, 2004.
[1427] U.S. Department of State, *Country Reports- 2004: Djibouti*, Section 6c.
[1428] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, 2004, 296; available from http://www.child-soldiers.org/document_get.php?id=966.
[1429] The Government of Djibouti stated in a 1998 report to the UN Committee on the Rights of the Child that "as is the case for all civilian and military jobs, young people under 18 may not be accepted into the army." See Ibid.
[1430] U.S. Embassy- Djibouti, *reporting,* August 24, 2004.

Labor Inspection Office has the authority to sanction businesses that employ children.[1431] However, according to the U.S. Department of State, the government has a shortage of labor inspectors and limited financial resources with which to enforce labor laws.[1432]

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

The Government of Djibouti is taking steps to increase awareness about the UN Convention on the Rights of the Child, which includes provisions on child labor. It has broadcast radio and television programs on the rights of the child and the advancement and protection of girls in four languages (Afar, Somali, Arabic, and French).[1433] The government has established a National Policy for Youth that seeks to encourage community involvement in youth affairs and the use of Community Development Centers to host activities for out-of school children and serve as reading rooms for children in school.[1434]

The government is working with UNICEF to assist children, in particular girls, in obtaining high-quality education by increasing enrollment levels, reducing gender disparities and developing a national strategy for non-enrolled children. UNICEF works to train teachers, school principals and academic inspectors. The principles of the Convention on the Rights of the Child are also incorporated in curricula.[1435] The government provides some school meals; according to the Ministry of Education, for 2004 through 2005, 10,468 children in primary public school received meals.[1436] Informal education is available for some children.[1437]

The World Bank also supports several projects in Djibouti. The School Access and Improvement Project is funding the rehabilitation of classrooms for primary and middle schools, upgrading training materials, providing training, and improving government capacity to manage education reform.[1438] The Social Development and Public Works

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[1431] The Office of the Labor Inspector currently has one inspector, who is responsible for supervising ten controllers. Ibid.
[1432] U.S. Department of State, *Country Reports- 2004: Djibouti*. See also U.S. Embassy- Djibouti, *reporting,* December 30, 2002.
[1433] UN Committee on the Rights of the Child, *Summary Record of the 637th Meeting: Djibouti*, CRC/C/SR.637, United Nations, Geneva, January 8, 2001; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/63755405aec3c40bc12569d60047821b?Opendocument.
[1434] U.S. Embassy- Djibouti, *reporting,* August 24, 2004.
[1435] UNICEF, *At a Glance: Djibouti, The Big Picture,* [cited June 22, 2005]; available from http://www.unicef.org/infobycountry/djibouti.html.
[1436] Bureau des Satistiques et de la Carte Scolarie - D.P.I. Service de la Planifacation, *Anneuarire Statistique, Annee Scolaire 2004/2005*, Ministere de l'Education Nationale & de l'Enseignement Superieur, Mars 2005, 36.
[1437] Ibid., 62.
[1438] See World Bank, *School Access and Improvement Project,* [online] June 13, 2005 [cited June 13, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P044585.

Project aims to enhance living standards in Djibouti by construction/rehabilitation of social infrastructures such as health posts and schools.[1439]

USAID has dedicated USD 8 million to assist the Ministry of Education in implementing education reform programs. These programs include: increasing access to basic education; improving the quality of teaching and learning; increasing opportunities for girls' education; and developing a strategy for sustainable employment for school graduates.[1440] The African Development Fund is supporting a project through January 2010 to increase access and improve the quality of the education system.[1441]

[1439] World Bank, *Social Development and Public Works Project,* in Projects Database, [database online] June 13, 2005 [cited June 13, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P044584.

[1440] U.S. Embassy- Djibouti, *Developing a Stronger Djibouti,* [cited June 22, 2005]; available from http://djibouti.usembassy.gov/development_aid_to_djibouti.html.

[1441] African Development Fund, *Republic of Djiboutie, Basic and Secondary Education Strengtheining Project (Education Project III), Evaluation Report*, May 2004.

Dominica

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	09/27/1983	
Ratified Convention 182	01/04/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Dominica are unavailable.[1442] However, some children periodically help their families in agriculture.[1443] According to the World Bank, children, particularly schoolgirls, have also been exploited in prostitution as a way to obtain basic necessities, such as school fees or food.[1444]

Under the Education Act of 1997, schooling is compulsory from age 5 to 16.[1445] In 2002, the gross primary enrollment rate was 88 percent, and the net primary enrollment rate was 81 percent.[1446] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Dominica.[1447] Poor physical conditions and overcrowded classrooms affect the quality of education, while poverty, the need for children to help with seasonal harvests,[1448]

[1442] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions"section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[1443] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the section in the front of the report titled "Data Sources".

[1444] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt.

[1445] Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication to USDOL official, August 22, 2002.

[1446] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1447] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions"section for information about sources used.

[1448] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.

increasing rates of teen pregnancy,[1449] and the termination of a school lunch program have negatively affected school attendance.[1450]

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children Act prohibits the employment of children, night employment of young adults, false representation of age, night employment of women, and places liability with the employer.[1451] However, conflicting legislation establishes the minimum age for employment at both 12 and 14 years, although the government has stated it enforces a standard of 15 years.[1452] The ILO's Committee of Experts on the Application of Conventions and Ratifications has repeatedly urged the Government of Dominica to increase the legal minimum age to 15.[1453]

The worst forms of child labor may be prosecuted under different statutes in Dominica. The Constitution prohibits slavery, servitude, and forced labor,[1454] and protects the fundamental rights and freedoms of every person in Dominica, whether a national or foreign national.[1455]

There are no laws that specifically prohibit child pornography,[1456] but the Sexual Offenses Act of 1998 prohibits the defilement of girls less than 16 years of age, unlawful detention of a woman or girl for sexual purposes, and the procurement of any person using threats, intimidation, false pretenses, or the administration of drugs.[1457]

[1449] Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Dominica*, CRC/15/Add.238, June 30, 2004; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/50842131889894cdc1256eef002d1afa?Opendocument.
[1450] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.
[1451] Government of the Commonwealth of Dominica, *Employment of Women, Young Persons and Children Act (L.f.5 of 1938)*, (February 1, 1939), [cited August 28, 2003]; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=DMA&p_classification=04&p_origin=COUNTRY.
[1452] Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Dominica*, Washington, DC, February 28, 2005; available from www.state.gov/g/drl/rls/hrrpt/2004/41757.htm.
[1453] ILO Committee of Experts on the Application of Conventions and Ratifications, *Observation concerning Convention No. 138, Minimum Age, 1973 Dominica (ratification: 1983)*, International Labor Organization, 2005; available from http://www.ilo.org/ilolex/gbe/ceacr2004.htm.
[1454] *The Commonwealth of Dominica Constitution Order,1978 No. 1027*, (November 3, 1978), Chapter 1, Section 4, 1-2 [cited June 29, 2005]; available from http://www.georgetown.edu/pdba/Constitutions/Dominica/const.html.
[1455] Ibid., Chapter 1, Section 1. See also Edward A. Alexander, *Caribbean Workers on the Move: Dominica*, IOM, June 19-20, 2000, 2-4.
[1456] Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: Dominica,* Interpol.int, [online] [cited April 2, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaDominique.asp.
[1457] These provisions are found in Articles 2, 3, 4, and 7 of the Sexual Offenses Act. See Ibid., III.

Dominican law prohibits trafficking in persons,[1458] and violators are subject to a fine of USD 37,000 and up to 7 years of imprisonment.[1459] Dominica has no military force and no conscription policy.[1460]

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

Since 2004, the World Bank, in partnership with CARICOM and other international donor organizations, has been carrying out a regional HIV/AIDS prevention project active in Dominica. One of the goals of this project is to target young people who are at-risk for contracting the HIV/AIDS virus and who contracted AIDS through commercial sexual exploitation. It aims to provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents and teachers. The first phase of this project is expected to end in 2007.[1461]

The Government of Dominica currently sponsors an Education Trust Fund to support students in secondary schools by providing assistance with uniforms, books, and external examination fees; as well as a Text Book Scheme to assist primary and secondary students to purchase textbooks.[1462]

[1458] U.S. Department of State, *Country Reports- 2004: Dominica*, Section 5.
[1459] Ibid.
[1460] Coalition to Stop the Use of Child Soldiers, "Caribbean" in *Global Report 2004*, November 17, 2004, available from: http://www.child-soldiers.org/document_get.php?id=814.
[1461] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*.
[1462] International Monetary Fund, *Dominica: Interim Poverty Reduction Strategy Paper*, 04/7, International Monetary Fund, Washington, D.C., January 2004; available from http://www.imf.org/external/pubs/ft/scr/2004/cr0407.pdf.

Dominican Republic

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/15/1999	
Ratified Convention 182	11/15/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 14.5 percent of children ages 5 to 14 years were counted as working in the Dominican Republic in 2000. Approximately 21.6 percent of all boys ages 5 to 14 were working compared to 7.3 percent of girls in the same age group.[1463] A Secretariat of Labor (SET) study estimated that 41 percent of working children ages 5 to 17 worked in services, 21 percent in commerce, 19 percent in agriculture, and 11 percent in manufacturing industries during 2000.[1464] Most work performed by children is in the informal sector.[1465] In urban areas children work in the streets, markets, garbage dumps, and repair shops. They also perform activities such as washing cars, shining shoes, and carrying heavy loads.[1466] Many urban child workers are migrants from other regions.[1467] In rural areas children work mostly in agriculture and services.[1468] Most child agricultural workers are boys.[1469] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, less than 2 percent of the population in the Dominican Republic were living on less than USD 1 a day.[1470]

Haitian and Dominican children plant and cut sugarcane in the Dominican Republic. Many Haitians live in sugarcane worker villages referred to as "bateyes" that lack basic

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[1463] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.
[1464] Secretariat of Labor and ILO-IPEC, *Report on the Results of the National Child Labour Survey in the Dominican Republic*, San Jose, July 2004, 32; available from http://www.ipec.oit.or.cr/ipec/region/acciones/simpoc/publicaciones/RD/RD%20-%20national%20report.pdf.
[1465] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Dominican Republic*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41758.htm.
[1466] ILO-IPEC, *Día Mundial Contra El Trabajo Infantil,* [online] June 2005 [cited June 27, 2005]; available from http://www.oit.or.cr/ipec/encuentros/noticia.php?notCodigo=424.
[1467] ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002, 34-35.
[1468] ILO-IPEC, *Report on the Results of the National Child Labour Survey*, 33.
[1469] ILO-IPEC, *Trabajo Infantil en la Agricultura en cifras,* San Jose, 2005, 13; available from http://www.oit.org.pe/ipec/pagina.php?seccion=6&pagina=123.
[1470] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

services such as water, electricity, and schools. It has been reported that some sugarcane workers, possibly including children, work under conditions of forced labor where they are denied access to their clothing, property, and wages.[1471]

The Dominican Republic is a source, transit, and destination country for children trafficked for the purposes of commercial sexual exploitation and forced labor. Dominican children are trafficked to destinations such as Spain, Germany, Italy, the Netherlands, Belgium, Switzerland, Greece, the Netherlands Antilles, Argentina, Costa Rica, and Brazil.[1472] An estimated 2,000 Haitian children are trafficked annually to the Dominican Republic for work in the streets, in agriculture, and commercial sexual exploitation.[1473] The commercial sexual exploitation of children is a problem especially in tourist locations such as Boca Chica, Puerto Plata, and Sosúa.[1474] Children, particularly Haitian children, are sometimes "adopted" by families who register the child as their own and provide some form of payment to the birthparents. Such children are often not treated as family members and are exploited as domestic workers or as workers in family businesses.[1475]

The Code for the Protection of Children and Adolescents and the General Education Law establish that education is to be free and compulsory for children ages 7 to 14 years, through the 8th grade.[1476] However, school fees continue to be charged.[1477] In 2002, the gross primary enrollment rate was 124 percent and the net primary enrollment rate was 96 percent.[1478] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 94.7 percent of children ages 5 to 14 years were attending

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[1471] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 2d, 5, 6c, 6d, and 6e. See also U.S. Embassy- Santo Domingo, *reporting*, March 4, 2005. See also ILO, *Committee of Experts on the Application of Conventions and Recommendations, Individual Observation Concerning Convention No. 29, Forced Labour*, ILO, Geneva, 2005; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[1472] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[1473] Ibid. See also UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, July 2002, 8. See also IOM, Press Briefing Notes: Dominican Republic - National Network of Journalists to Cover Trafficking, Smuggling, and Irregular Migration, May 14, 2004.

[1474] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 5. See also ILO-IPEC, *Explotación sexual comercial de personas menores de edad en República Dominicana*, September 2002, 13-15.

[1475] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Sections 6c and 6d.

[1476] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 5. See also Government of the Dominican Republic, *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Ley No. 136-03, (August 7), Article 45. See also Secretariat of Labor and ILO-IPEC, *Report on the Results of the National Child Labour Survey*, 18.

[1477] World Bank Survey, 2002 as cited in UNESCO, *EFA Global Monitoring Report 2003/4,* [online] n.d. [cited October 1, 2005], Regional Overview for Latin America and the Caribbean, 2; available from http://portal.unesco.org/education/en/ev.php-URL_ID=23023&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[1478] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReprotId=51 (Gross and Net Enrolment Rations, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

school.[1479] As of 2001, 69 percent of children who started primary school were likely to reach grade 5.[1480] In rural areas schools often lack basic furnishings and teaching materials, and schools are far from children's homes. In many cases, school fees and the cost of uniforms, books, meals, and transportation make education prohibitively expensive for poor families.[1481] Children of Haitian origin are sometimes denied access to education as many are unable to register as Dominican citizens.[1482]

Child Labor Laws and Enforcement

The Code for the Protection of Children and Adolescents sets the minimum age for employment at 14 years.[1483] Work must not interfere with a minor's education.[1484] Restrictions are placed on work involving children under 16. Children under 16 years cannot work for more than 6 hours a day and must have a medical certificate certifying their ability to work.[1485] Employers are required to pay minors at least the legal minimum salary.[1486] Special authorization is needed from the SET for ambulant work.[1487] Females ages 14 to 16 are prohibited from working as messengers and delivering merchandise.[1488] The employment of minors in pool halls is prohibited and is punishable by 1 to 2 months of deprivation of liberty and fines of 1 to 3 minimum salaries.[1489]

Additionally, the Labor Code prohibits children under 16 from working in unhealthy and dangerous work and authorizes the SET to prohibit such work.[1490] Since 1999, the Government of the Dominican Republic has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1491] The SET's "Resolution Regarding 26 Categories of Work Considered To Be Dangerous and Unhealthy for Children" prohibits minors under 18 years of age from work involving dangerous substances, heavy machinery, heavy loads, dangerous machines and tools, alcohol, electricity, loud noise, mines, being underground or at high sea, care giving,

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[1479] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[1480] UNESCO Institute for Statistics, "School life expectancy, % of repeaters, survival rates; accessed December 2005," available from http://stats.uis.unesco.org/TableViewer/tableViewaspx?ReportId=55.
[1481] ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, project document, DOM/02/P50/USA, Geneva, September 2002, 13.
[1482] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 5. The Migration and Nationality Law 285-04 does not allow children of temporary Haitian workers to be considered Dominican citizens. See UNDP, *Informe Nacional de Desarrollo Humano*, 2005, 141-142.
[1483] *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 40.
[1484] *Código de Trabajo de la República Dominicana 1999*, Article 254. See also *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 39.
[1485] *Código de Trabajo 1999*, Articles 247-248.
[1486] Ibid., Articles 256-257.
[1487] Ibid., Article 249.
[1488] Ibid., Article 252.
[1489] *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 415.
[1490] *Código de Trabajo 1999*, Article 251.
[1491] ILO-IPEC official, e-mail communication to USDOL official, November 18, 2005.

construction, confined spaces, explosives, and extreme temperatures. Children are also prohibited from night work, work on the street, work in gambling and gaming establishments, handling cadavers, various tasks involved in the production of sugarcane, and certain work at hotels. Some specific exceptions are made for apprenticeships and job training for those older than 16.[1492] Violations of the Labor Code provisions involving protections for minors as well as violations of the SET Resolution are punishable by fines of 7 to 12 minimum salaries, with increased fines in cases of recurrence.[1493]

Different statutes may be used to prosecute the worst forms of child labor in the Dominican Republic. The Code for the Protection of Children and Adolescents has a broad provision that could be used to prosecute actions such as trafficking and pimping. This provision establishes punishments ranging from imprisonment for 20 to 30 years and fines for the transfer of a child from one person or group to another in exchange for remuneration, for purposes including sexual exploitation, forced labor, or other degrading activities.[1494] Specific punishments for involvement in the commercial sexual exploitation of children range from 3 to 10 years of imprisonment with fines of 10 to 30 minimum salaries. Sexual abuse is punishable by 10 years of imprisonment and a fine of 20 minimum salaries in certain circumstances involving trafficking and pimping.[1495]

The Code also establishes punishments for permitting minors that are not accompanied by a parent to stay in hotels or motels without written parental or judicial authorization. These punishments range from 1 to 3 years of deprivation of liberty and fines. The establishment may be closed for 15 days for repeated violations.[1496] Involvement with the production of child pornography is punishable by 2 to 4 years of incarceration and fines ranging from 3 to 10 minimum salaries.[1497] Involvement with the trafficking of a minor outside of the country is punishable by 4 to 6 years of imprisonment and fines of 10 to 30 minimum salaries.[1498] The transport of minors unaccompanied by their parent without notarized parental authorization or a certificate from the Child and Adolescent Tribunal is punishable by fines ranging from 3 to 20 minimum salaries, with higher penalties in cases of recurrence.[1499] The Law against Trafficking in Persons and Alien Smuggling establishes penalties of 15 to 20 years imprisonment as well as fines for trafficking minors.[1500] Forced labor is prohibited by law.[1501] The minimum recruitment age for military service is 16. Recruitment is voluntary in times of peace; however it may

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[1492] Secretariat of Labor, *Resolución Sobre Trabajos Peligrosos e Insalubres para Personas Menores de 18 Años*, Resolución No. 52/2004; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/69773/68796/F452892919/DOM69773.pdf.
[1493] *Código de Trabajo 1999,* Articles 720-721. See also *Trabajos Peligrosos e Insalubres,* Article 6.
[1494] *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Articles 25 and 409.
[1495] Ibid., Articles 410 and 396.
[1496] Ibid., Articles 24 and 414.
[1497] Ibid., Articles 25, 26, and 411.
[1498] Ibid., Article 406.
[1499] Ibid., Articles 204 and 391.
[1500] Government of the Dominican Republic, *Ley contra el Tráfico Ilicito de Migrantes y Trata de Personas*, (August 2003), Articles 2 and 7.
[1501] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 6c.

be obligatory in times of war or grave conflict. Recruits must have completed their education.[1502]

The SET is responsible for enforcing child labor laws in coordination with the National Council for Children and Adolescents (CONANI).[1503] In 2004 the SET had 220 labor inspectors. According to the U.S. State Department, the inspectors often accept bribes.[1504] Protecting children's rights and implementing the Code for Children and Adolescents is the responsibility of CONANI. By law CONANI is to receive a minimum of 2 percent of the national budget, but this requirement is not being met.[1505]

The anti-trafficking unit of the Office of the Attorney General is responsible for investigating and prosecuting trafficking crimes. The National Police, the Migration Directorate, and the Interagency Committee for the Protection of Migrant Women are also involved in anti-trafficking activities.[1506] The Migration Directorate established an anti-trafficking unit in March of 2005.[1507] According to the U.S. Department of State, the Dominican Republic lacks effective trafficking law enforcement and victim protection programs due in part to lack of resources. The border with Haiti is not sufficiently monitored.[1508] Also according to the U.S. Department of State, certain government officials are involved in trafficking and efforts are made to investigate and prosecute these individuals.[1509] For example, Congressman Guillermo Radhames Ramos Garcia was convicted of trafficking-related offences and sentenced to an 18 month prison term but was released on parole after 9 months of incarceration.[1510] In 2005, a bar owner was convicted and sentenced to 5 years of incarceration, a fine of USD 35,739, and ordered to pay court costs for offenses involving the commercial sexual exploitation of children. Additionally, three individuals were convicted and sentenced to 15 years of incarceration, a fine of USD 6,250, and ordered to pay court costs for crimes involving the commercial sexual exploitation, trafficking, and abuse of children.[1511] The government has shut down several businesses involved with the commercial sexual exploitation of children in cities such as Boca Chica, Santiago, Santo Domingo, and Sosúa.[1512]

[1502] *Ley Orgánica de las Fuerzas Armadas de la República Dominicana*, 873, (1996), Article 30; available from http://www.secffaa.mil.do/Ley1.htm.
[1503] *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Article 34.
[1504] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 6e.
[1505] Ibid., Section 5.
[1506] Ibid.
[1507] U.S. Embassy- Santo Domingo, *reporting*, November 15, 2005.
[1508] U.S. Department of State, *Trafficking in Persons Report*.
[1509] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 5.
[1510] U.S. Embassy- Santo Domingo, *reporting,* November 15, 2005.
[1511] Attorney General's Anti-trafficking Office, Detalles de las Sentencias Relativas a ESC de NNA, as cited in ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, response to USDOL's comments and request for additional information for the September 2005 technical progress report, Geneva, 2005, 5. See also Attorney General's Anti-trafficking Office, *Procuraduría Corona un Dos Mil Cinco de Sanciones Contra Tratantes y Traficantes,* Dominican Republic, [online] n.d. [cited May 16, 2006]; available from http://www.procuraduria.gov.do/PGR.NET/Dependencias/Trafico/IndexTrafico.aspx. USD amounts based on exchange rates on day of conviction. See FXConverter - 164 Currency Converter Results OANDA Corporation, http://www.oanda.com/convert/classic (accessed December 14, 2005).
[1512] U.S. Embassy- Santo Domingo, *reporting,* November 15, 2005.

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

The objectives of the Dominican Republic's Action Plan for the Eradication of Abuse and Commercial Sexual Exploitation of Boys, Girls, and Adolescents include strengthening families; improving social responsibility and awareness; improving relevant laws, policies, programs, and services; combating poverty; and strengthening the justice system.[1513] The Government of the Dominican Republic supported several child labor, trafficking, and commercial sexual exploitation awareness campaigns and workshops in late 2004.[1514] The SET organized a training workshop on child labor and labor inspections.[1515] The Armed Forces provide educational programs and recreational activities for working and at-risk children in the Boca Chica area and run a shelter for such children under its General Directorate of Shelters and Residences for the Civic Reeducation of Boys, Girls, and Adolescents program.[1516] Government officials such as judges, consular officers, and prosecutors received anti-trafficking training.[1517] The required curriculum of the Diplomatic and Consular School includes anti-trafficking training.[1518]

The SET participates in ILO-IPEC projects funded by USDOL to eliminate the worst forms of child labor. This includes a USD 1.3 million, 4-year and 10-month project to improve the understanding of child labor; raise awareness, mobilize actors, and build capacity; improve relevant national policies; and implement pilot interventions including a community-based child labor monitoring system.[1519] A USD 4.4 million, 3-year and 10-month project targets child labor in agriculture (coffee, tomatoes, and rice), commercial sexual exploitation, domestic labor, and urban work. The project also targets trafficked children in areas near the border with Haiti.[1520] In 2005, the government

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[1513] Interinstitucional Commission Against the Abuse and Commercial Sexual Exploitation of Girls, Boys, and Adolescents, *Plan de Acción de la República Dominicana Para Erradicar el Abuso y la Explotación Sexual Comercial de Niñas, Niños y Adolescentes*, ILO, Dominican Republic, January 2006, 18-20; available from http://www.oit.org.pe/ipec/documentos/plan_nacional_esc.pdf.

[1514] U.S. Embassy- Santo Domingo, *reporting*, March 4, 2005. See also Secretariat of Labor, *Memoria de las acciones realizadas a partir del mes de Septiembre del 2004,* [online] n.d. [cited June 27, 2005]; available from http://www.set.gov.do/submenu/trabajoinf/memoria.htm.

[1515] ILO-IPEC, *Supporting the TBP for the Elimination of the Worst Forms of Child Labour in the Dominican Republic & Trafficking/Smuggling Amendment*, technical progress report, Geneva, September 9, 2005, 4-5.

[1516] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 6d. See also U.S. Embassy- Santo Domingo, *reporting,* March 4, 2005.

[1517] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Section 5. See also U.S. Embassy- Santo Domingo, *reporting*, March 4, 2005.

[1518] Ibid.

[1519] ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project document, DOM/01/P50/USA, Geneva, September 2001, 2-3.

[1520] ILO-IPEC, *Timebound Program, project document*, i and 44. See also ILO-IPEC, *Trafficking/Smuggling Amendment to Supporting the TBP for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project addendum, Geneva, 2004. See also Secretariat of Labor, *Trabajo Infantil,* [online] n.d. [cited June 27, 2005]; available from http://www.set.gov.do/submenu/traboinf/programa.htm.

contributed USD 100,000 of its previously made USD 300,000 commitment towards these projects.[1521] With ILO support CONANI has opened a referral center for child victims of commercial sexual exploitation in Boca Chica.[1522] The Office of the First Lady administers a program called "Progresando", which works with the ILO to provide income generating opportunities to families of children at-risk for commercial sexual exploitation.[1523] In 2005 an agreement was signed between the Attorney General's Office and National Institute for Technical Training (INFOTEP) allowing child beneficiaries of the ILO implemented project to enroll in INFOTEP's vocational training programs.[1524] In October of 2004, the Central Bank incorporated child labor indicators developed by the ILO into its labor survey.[1525] The government is participating in USDOL-funded regional projects to eliminate the commercial sexual exploitation of children and hazardous child labor in the agricultural sector in Central America and the Dominican Republic.[1526]

The 10-year Strategic Development Plan for Dominican Education (2003-2012) focuses on democratization and equity, educational quality, teacher quality, decentralization, and funding.[1527] An analysis of the effect of child labor on school desertion is included in the plan.[1528] The government provides some stipends for poor families who keep their children in school and out of work.[1529] A national literacy program is conducted through the Secretariat of Education, NGOs, and private universities.[1530]

The Government of the Dominican Republic has several sources of external funding to improve educational programs for children. The government participates in USDOL-funded Child Labor Education Initiative projects. This includes a 4-year regional project implemented by CARE whose purpose is to strengthen government and civil society's capacity to address the educational needs of working children, as well as a USD 3 million, 4-year project implemented by DevTech Systems, Inc. to withdraw children from exploitative labor by improving the quality of and access to basic education.[1531] During

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[1521] ILO-IPEC official, e-mail communication, November 18, 2005.
[1522] ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, technical progress report, Geneva, September 9, 2005, 3 and 13.
[1523] Ibid., 3 and 11.
[1524] ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labor, response to USDOL request*, 1.
[1525] ILO-IPEC, *Supporting the TBP, technical progress report, September 9, 2005*, Annex A: Project/Program Work Plan, 5.
[1526] ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project addendum, Geneva, September 2005, 1. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in Agriculture in Central America and the Dominican Republic (Phase II)*, project document, Geneva, 2003.
[1527] Secretariat of Education, *Plan Estratégico de Desarrollo de la Educación Dominicana 2003-2012*, Santo Domingo, April 2003, 16-17; available from http://www.seescyt.gov.do/tic/interfaz/articulo.asp?did=289&Seccion=Rep.%20Dominicana.
[1528] ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labor, technical progress report*, 11.
[1529] U.S. Department of State, *Country Reports- 2004: Dominican Republic*, Sect. 6d.
[1530] Secretariat of Labor and ILO-IPEC, *Report on the Results of the National Child Labour Survey*, 19.
[1531] CARE, *Combating Exploitive Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, project document, 2004, 3.

2005 the DevTech Systems, Inc. project and the Secretariat of Education supported the training of more than 400 educators in a participatory pedagogical method known as "Quantum Learning".[1532] Some students benefit from a government-run school feeding program which receives funding assistance from the U.S. Department of Agriculture.[1533] The Spanish Cooperation Agency funds a government-operated basic education program, which includes youths 15 years of age and older.[1534] The World Bank is funding a USD 42 million loan to increase the number of pre-schools and provide teacher training.[1535] A USD 89 million IDB loan aims to improve the educational achievement of children in rural and marginal urban areas, enhance the management of schools, and promote initiatives developed under the Educational Development Plan.[1536]

See also DevTech Systems Inc., *Combating Child Labor through Education in the Dominican Republic*, project document, Arlington, Virginia, June 2, 2004, 1 and 2.

[1532] DevTech Systems Inc., *Combating Child Labor Through Education*, technical progress report, Arlington, Virginia, September 28, 2005, 3, 6, and 12.

[1533] Secretariat of Labor and ILO-IPEC, *Report on the Results of the National Child Labour Survey*, 19. See also Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean,* U.S. Department of State: Washington File, [online] August 17, 2004 [cited October 2, 2005]; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

[1534] Secretariat of Labor and ILO-IPEC, *Report on the Results of the National Child Labour Survey*, 19.

[1535] World Bank, *Early Childhood Education Project; accessed September 12, 2005,* [online] June 29, 2005 [cited June 29, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/0,menuPK:115635~pagePK:64020917~piPK:64021009~theSitePK:40941,00.html.

[1536] IDB, *Dominican Republic Multiphase Program for Equity in Basic Education Phase I,* loan proposal, 2002, Executive Summary, 1; available from http://www.iadb.org/exr/doc98/apr/dr1429e.pdf.

Ecuador

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	9/19/2000	
Ratified Convention 182	9/19/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Banana Sector)		

Incidence and Nature of Child Labor

An estimated 15.4 percent of children ages 5 to 14 years were counted as working in Ecuador in 2001, the most recent data available. Approximately 19 percent of all boys 5 to 14 were working compared to 11.7 percent of girls in the same age group. The majority of working children were found in the agricultural sector (67.5 percent), followed by services (20.9 percent), manufacturing (9.7 percent) and other sectors (1.9 percent).[1537] A large percentage of working children between the ages of 5 and 17 are found in rural areas of the *sierra,* or highlands, followed by the Amazon and urban coastal areas.[1538] In rural areas, young children are often found performing unpaid agricultural labor for their families.[1539] Children as young as 8 years of age have been found working on banana plantations under unsafe working conditions.[1540] Children also work long hours under hazardous conditions in the cut-flower sector.[1541] Most working children can be found in the informal sector.[1542] In urban areas, children work in commerce and services as messengers and domestics.[1543] Others work in construction

[1537] UCW Analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rate*s, October 7, 2005. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[1538] ILO-IPEC, "INDEC, Mintrabajo e INFFA presentan resultados preliminares de Encuesta Nacional: 38.6% de niños y niñas entre 5 y 17 años trabajan en el area rural de Ecuador," *Boletín Encuentros* no. 2 (December 2001 - February 2002); available from http://www.oit.org.pe/ipec/boletin/noticias/vernoticia,36.php. The provinces with the highest percentage of working children are Bolivar, Chimborazo and Cotopaxi. See National Committee for the Progressive Eradication of Child Labor, *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2003-2006*, Quito, November, 2002.

[1539] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Ecuador*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41759.htm.

[1540] ILO-IPEC, *Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in Ecuador*, Project Document, ECU/03/P50/USA, Geneva, August, 2003. See also Human Rights Watch, *Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations*, 2002, October 12, 2005; available from http://www.hrw.org/reports/2002/ecuador/.

[1541] ILO-IPEC, *Ecuador Time-Bound Program*, cover page, 7-8. See also ILO-IPEC, *Ecuador Child Labour in Flower Plantations: A Rapid Assessment*, Geneva, April, 2000; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ra/index.htm.

[1542] U.S. Embassy- Quito, *reporting*, September 25, 2001

[1543] U.S. Department of State, *Country Reports-2004: Ecuador*, Section 6d.

and as trash pickers.[1544] Many urban children under 12 years of age work shining shoes, selling, and begging on the streets.[1545] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 17.7 percent of the population in Ecuador were living on less than USD 1 a day.[1546]

The commercial sexual exploitation of children occurs in Ecuador.[1547] ILO-IPEC estimated that there were 5,200 girls and adolescents in situations of sexual exploitation in 2002, the most recent year for which statistics are available.[1548] Ecuador is a source, transit and destination country for trafficking in persons, and many victims are children trafficked for sexual exploitation. Ecuadorians are trafficked to Spain and Italy among other Western Europe countries. Victims are also trafficked to Colombia and Venezuela. Colombian women and girls are trafficked to Ecuador for exploitation in prostitution. However, most victims are trafficked within the country's borders.[1549]

The Constitution requires the government to provide free education to all children through secondary school. Children are required to attend 9 years of school to achieve a basic level of education. Children in situations of extreme poverty shall be provided with services and subsidies specific to their needs.[1550] The government has rarely enforced this requirement due to the lack of schools and inadequate resources in many rural communities.[1551] Families often face significant additional education-related expenses such as fees and transportation costs.[1552] Inequitable classroom coverage with respect to primary and secondary levels in rural and impoverished areas, poor teaching quality, sparse teaching materials, a short school day and the inefficient distribution of human, financial, and teaching resources are also problems within the educational system.[1553] In 2002, the gross primary enrollment rate was 117 percent, and the net primary enrollment

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[1544] INNFA, *Con festival se firmo acuerdo nacional en favor de niñas y niñnos,* [online] June 1, 2005 [cited June 16, 2005]; available from http://www.innfa.org/noticia_pr/noticia5.htm. See also U.S. Embassy- Quito, *reporting*, January 13, 2005.
[1545] U.S. Embassy- Quito, *reporting*, December 17, 2004.
[1546] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[1547] U.S. Department of State, *Country Reports-2004: Ecuador*. See also ECPAT International, *Ecuador,* [online] 2003 [cited June 30, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.
[1548] This investigation was conducted through field surveys of 415 girls and adolescents in Guayaquil, Quito, and Machala, 3 of the 4 largest cities in Ecuador. See Mariana Sandoval Laverde, *Magnitude, Characteristics and Environment of Sexual Exploitation of Girls and Adolescents in Ecuador*, ILO-IPEC, Quito, October, 2002, Executive Summary, 3.
[1549] U.S. Department of State, *Trafficking in Persons Report*, June 5, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm. See also The Protection Project, *Ecuador*, 2005; available from http://www.protectionproject.org/left2.htm.
[1550] The Ecuadorian National Assembly, *Constitución Política de Ecuador,* [online] 1998 [cited June 30, 2005], article 67; available from http://www.georgetown.edu/pdba/Constitutions/Ecuador/ecuador98.html. See also U.S. Department of State, *Country Reports-2004: Ecuador*, section 5.
[1551] U.S. Department of State, *Country Reports-2004: Ecuador*, section 5.
[1552] U.S. Embassy- Quito, *reporting*, September 25, 2001.
[1553] IDB, *Ecuador Social Sector Reform Program: Loan Proposal*, 1466/OC-EC (EC-0216), June 25, 2003, 8; available from http://www.iadb.org/exr/doc98/apr/ec1466e.pdf.

rate was 100 percent.[1554] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 89.8 percent of children ages 5 to 14 were attending school.[1555] As of 2001, 74 percent of children who started primary school were likely to reach grade 5.[1556] Primary school attendance statistics are not available for Ecuador.[1557]

Child Labor Laws and Enforcement

The Childhood and Adolescence Code sets the minimum age for employment at 15 years (including for domestic service), provides a framework for children and adolescents' rights, and identifies categories of dangerous work that are prohibited for minors.[1558] The regulations in the Code do not apply to children involved in formative cultural or ancestral practices as long as they are not exposed to physical or psychological harm.[1559] The Childhood and Adolescence Code prohibits adolescents from working more than 6 hours per day or more than 5 days per week.[1560] The Code also prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries, and from working with hazardous materials or in jobs that could be hazardous to the child's physical or mental health.[1561] The Ministry of Labor provides work authorization for adolescents between the ages of 15 and 18 years.[1562]

The Labor Code has not been updated to reflect Ecuador's adoption of ILO Conventions 138 and 182. However, the Childhood and Adolescence Code, which has been adapted to reflect Ecuador's adoption of ILO Conventions 138 and 182, supersedes provisions in the Labor Code that allowed children under 15 to work aboard fishing vessels with special permission from the court, during school vacation, and as long as the work is not likely to harm their health and moral development.[1563] The Childhood and Adolescence Code prescribes sanctions for violations of child labor laws, such as monetary fines and the closing of establishments where child labor occurs.[1564] More than 2 years after the

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[1554] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[1555] UCW Analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rate*s.
[1556] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[1557] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section information about sources used.
[1558] Government of Ecuador, *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), articles 81-95; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/documentos/cna.doc.
[1559] Ibid., article 86.
[1560] Ibid., Article 84.
[1561] Ibid., Article 87.
[1562] U.S. Embassy official, electronic communication to USDOL Official, August 5, 2003.
[1563] See ILO-IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995, Article 137, 138 and 147. See U.S. Embassy official, electronic communication, August 5, 2003.
[1564] *Código de la Niñez y Adolescencia*, article 95.

creation of the Childhood and Adolescence Code, the Government of Ecuador has not issued implementing regulations as required by law.[1565]

The worst forms of child labor may be prosecuted under different statutes in Ecuador. The 1998 Constitution specifically calls for children in Ecuador to be protected in the workplace against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. The Constitution also protects minors against trafficking, prostitution, pornography, and the forced use of illegal drugs and alcohol.[1566] Although adult prostitution is legal,[1567] the Penal Code prohibits the promotion and facilitation of prostitution and trafficking in persons for the purposes of prostitution.[1568] In 2005, a reform in the Penal Code addressing sexual exploitation of children was approved.[1569] The reform specifically addresses the prohibition of trafficking in persons for sexual exploitation and for non-sexual purposes and defines trafficking and exploitation according to international standards. It punishes people involved in child prostitution regardless of the use of force, violence, threats, or the victim's consent. The penal code reform also raises the age of consent from 14 to 18. Trafficking in persons can carry up to a 35-year prison term. During this reporting period, Ecuadorian authorities arrested five persons for trafficking or trafficking related crimes. The GOE Victim and Witness Protection Program provided shelter and meals to the minors who were victims of these crimes in coordination with Hogar de la Madre / Our Youth Foundation.[1570] In August 2004, the President of Ecuador issued a decree that established an inter-institutional committee to address trafficking in persons. The Minister of Government leads the committee's efforts to combat trafficking.[1571] The Constitution and the Law of Compulsory Military Service set the age of compulsory military service at 18 years.[1572] Since 1999, the Government of Ecuador has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1573]

No single government authority is responsible for the implementation of child labor laws and regulations prohibiting the worst forms of child labor. Public institutions charged

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[1565] Human Rights Watch, *Petition Regarding Ecuador's Eligibility for ATPA Designation*, online, September, 2005, 3; available from http://hrw.org/backgrounder/business/ecuador0905/ecuador0905.pdf.
[1566] The Ecuadorian National Assembly, *Ecuadorian Constitution*, Article 50.
[1567] U.S. Department of State, *Country Reports-2004: Ecuador*. The "business" must be registered with the government and the "employee" must receive regular medical exams. See U.S. Embassy- Quito, *reporting*, March 17, 2004.
[1568] The Protection Project, "Ecuador," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://protectionproject.org/human_rights/countryreport/ecuador.htm.
[1569] *Ley Reformatoria al Codigo Penal que tipifica los delitos de explotacion sexual de los menores de edad*; available from http://www.congreso.gov.ec/documentos/pro_aprobados/25-330.pdf, U.S. Embassy-Quito Official, e-mail communication to USDOL Official, September 30, 2005.
[1570] U.S. Department of State official, email communication to USDOL official, August 18, 2006.
[1571] U.S. Department of State, *Trafficking in Persons Report*.
[1572] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Report 2004-Ecuador*, 2004; available from http://www.child-soldiers.org/document_get.php?id=824.
[1573] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

with enforcing child labor laws include the Ministry of Labor, Ministry of Social Welfare, and Minors' Tribunals.[1574] The Specialized National Police Unit for Children (DINAPEN) responds to cases of child abuse and exploitation.[1575] The Ministry of Labor has created a Social Service Directorate to address the occurrence of child labor in the formal sector. However, most working children are found in the informal sector, where monitoring is difficult. In some instances, the Directorate has applied sanctions, but in others, it has merely helped to provide work authorization documents to child workers.[1576]

As of October 2005, the Ministry of Labor employed 13 child labor inspectors, with plans to hire additional inspectors in the near future. The Ministry has requested resources from the Ecuadorian Government for FY 2006 to cover the costs of inspectors' salaries, transportation and equipment.[1577]

Child labor inspections in the banana sector are ongoing as stipulated in an official agreement to eradicate child labor (for children under the age of 15) from banana plantations, signed by the Ministry of Labor and Human Resources, the banana industry and various national and international organizations.[1578] The government created a Child Labor Inspection and Monitoring System to enforce the child labor-related legal provisions of the Labor Code and the Labor Inspection System.[1579] From August 2004 to April 2005, the Ministry of Labor conducted 1,811 inspections in which 124 children under 15 were found working and 1,166 adolescents from 15 to 18 were found working. Thirteen employers were fined within that time period.[1580] While the Ministry of Labor's Social Service Directorate monitored child labor in businesses such as factories, enforcement in most sectors of the economy remained limited.[1581]

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

The Government's National Council on Children and Adolescents is responsible for creating, planning and carrying out national policy on child and adolescent issues in

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[1574] U.S. Embassy- Quito, *reporting September 25, 2001*.
[1575] U.S. Embassy- Quito, *repoting March 17, 2004*. DINAPEN is part of the National Police force and its 200 officers cover all crimes against children nation-wide. Between November 2004 and January 2005, DINAPEN rescued 49 minors who were possible victims of trafficking. See U.S. Embassy- Quito, *unclassified telegram no. 224*, January 27, 2005. See also U.S. Embassy- Quito, *repoting December 14, 2004*.
[1576] U.S. Embassy- Quito, *reporting September 25, 2001*. See Human Rights Watch, *Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor*, 5.
[1577] U.S. Embassy- Quito Official, e-mail communication, September 30, 2005.
[1578] The agreement was signed in July 2002. See Hoy onLine, *Presentan plan para erradicar trabajo infantil,* April 6, 2004 [cited June 30, 2005]; available from http://www.hoy.com.ec/sf_noticia.asp?row_id=171394. See also U.S. Embassy official, electronic communication to USDOL official, May 21, 2004.
[1579] National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*, 37-38.
[1580] U.S. Embassy- Quito, *reporting August 26, 2005.*
[1581] U.S. Department of State, *Country Reports- 2005: Ecuador*, Section 6d.

Ecuador.[1582] In August 2004, the Council published the National 10-Year Plan for the Protection of Children and Adolescents. The policies outlined in the Plan serve as a framework for the design and implementation of regional and sectoral projects over a 10-year period. Plan objectives include universal access to education, the promotion of children's rights, and the progressive elimination of hazardous child labor.[1583] In June 2005, the President of Ecuador signed a decree that declared the protection of minors a national priority, prioritizing 8 of the 29 policies outlined in the 10-Year Plan.[1584]

The Government of Ecuador, through CONEPTI, oversees its *National Plan for the Progressive Elimination of Child Labor 2003-2006*.[1585] As part of its commitment in ratifying ILO Convention No. 182 on the Worst Forms of Child Labor, the Government identified child work in mining, garbage dumps, construction, flower production, and banana production, as well as commercial sexual exploitation of children as priorities for progressive elimination.[1586]

A USDOL-funded 58-month Timebound Program, implemented by ILO-IPEC, complements the government's plan to eliminate the worst forms of child labor in the country.[1587] In addition, a USDOL-funded 4-year program, implemented by Catholic Relief Services, improves the access to and quality of basic education for working children and children at-risk of entering the labor force in the banana and cut-flower sectors.[1588] The second phase of a USDOL-funded ILO-IPEC regional program in Ecuador, Bolivia and Peru, which ended in early 2005, aimed to prevent and progressively eliminate child labor in small-scale traditional gold mining through awareness-raising and policy development, community development, and production of a child labor elimination model, which may also be implemented in other small-scale traditional mining communities.[1589]

The president spoke out against trafficking during the year and the Government of Ecuador signed an agreement with the Government of Colombia to combat the problem,

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[1582] ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, technical progress report, LAR/00/05/050, Geneva, September 2, 2002, 2.
[1583] Techncial Secretariat of the Social Protection Program National Child and Adolescent Council, *Plan Nacional Decenal de Protección Integral a la Niñez y Adolescencia*, August, 2004, 2-4, 9.
[1584] The 8 priority policies include: raising the awareness of families; providing children with free and universal access to quality education and other public social services; guaranteeing children protection against abuse, trafficking in persons, and sexual exploitation; and encouraging adolescents to become participatory citizens within their communities. Presidencia de la República, *Presidente Palacio declara política de Estado la Protección de la Niñez y Adolescencia,* [online] May 31, 2005 [cited June 2, 2005]; available from http://www.presidencia.gov.ec/imprimir_noticia.asp?noid=5002.
[1585] National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*. The Ministry of Labor 2003 budget allocated USD 300,000 to implement the National Plan. See U.S. Embassy- Quito, *reporting*, July 31, 2003.
[1586] ILO-IPEC, *Ecuador Time-Bound Program*, 6.
[1587] Ibid.
[1588] U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Combating the Worst Forms of Child Labor through Education in Ecuador*, 2004.
[1589] See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, RLA/02/P50/USA, Geneva, September 30, 2002, pages 23 and 26.

in which both governments pledge to establish mechanisms of cooperation and exchange of information. The National Institute for Children and Family (INNFA), headed by the First Lady, began efforts to spread awareness of trafficking in persons. The government also reached agreements with several private companies to include anti-trafficking messages at public theaters, through fliers distributed with bank and credit card statements, and on local air flights.[1590]

INNFA also implements several educational programs for working children. One program reintegrates working children and adolescents from the ages of 8 to 15 into the school system so that they may complete the basic education cycle. Another program provides vocational training and alternative recreational activities to working children between the ages of 8 and 17 years, as well as offering sensitivity training to parents. For adolescents ages 10 to 17 years who have not completed primary schooling and are more than 3 years behind, INNFA offers an accelerated learning program to help them complete the equivalent of basic education.[1591] INNFA also heads a forum comprised of representatives from the public and private sector that meets to discuss the political, social and legislative aspects of the sexual exploitation of minors and to generate policies and programs to address the issue.[1592]

Through its Social Protection Program (PPS), the Government coordinates national social policy, supports its implementation, and develops strategies for joining public/private forces and optimizing the impact of social sector development. Through the PPS, the Ministry of Social Development provides stipends (*Bono de Desarrollo Humano*) to at-risk and marginalized families to help reduce poverty.[1593] In part, the stipend targets families of children ages 6 to 16 years, and the stipend is conditional on yearly health visits and school attendance.[1594]

The Government's Nutritional Education project, with support from the European Commission, contributes to improving the nutritional status of children of families

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[1590] U.S. Department of State, *Trafficking in Persons Report*, June 5, 2006.

[1591] National Child and Family Institute (INNFA), *Proyectos,* [online] 2003 [cited May 21, 2004]; available from http://www.innfa.org/paginas/programas/programa_%20trabajador/programa_nino_trabajador.htm. INNFA spends approximately USD 3.5 million per year on these programs. See U.S. Embassy- Quito, *reporting July 1, 2003*.

[1592] The roundtable is called La Mesa de Concertación Permanente contra la Explotación Sexual. INNFA, *Explotación Sexual,* [online] [cited June 30, 2005]; available from http://www.innfa.org/paginas/programas/accion%20ciudadana%20por%20la%20ternura/accion_ciudadana.htm.

[1593] The following entities participate in the PPS: The Ministries of Education and Culture, Public Health, Labor and Human Resources, Urban Development and Housing, Economy and Finance, and Social Development Secretariat as well as the Vice-president of the Republic. Programa de Protección Social, *El Bono Solidario Cambia desde Hoy,* [online] July 1, 2003 [cited June 30, 2005]; available from http://www.pps.gov.ec/bdh_723/html/modules.php?op=modload&name=News&file=article&sid=25.

[1594] Ibid. See also Programa de Protección Social, *¿Qué es corresponsabilidad en educación?* [online] July 1, 2003 [cited June 30, 2005]; available from http://www.pps.gov.ec/bdh_723/html/modules.php?op=modload&name=News&file=article&sid=15.

attended by the PPS.[1595] The Central Bank of Ecuador runs the Child Worker Program, which, in part, provides working children with scholarships that pay school expenses. In turn, the children are required to participate in after school training programs.[1596] A USD 200 million IDB loan for a Social Sector Reform Program supports the government's Social Protection Program.[1597]

[1595] This program includes the government's Nutrition Program for school children between the ages of 5-14. Frente Social, *Proyecto de Educación Nutricional,* [online] [cited June 16, 2005]; available from http://www.frentesocial.gov.ec/nutricion/index1.htm. By the end of 2003, the program had provided services to more than 1.6 million beneficiaries. See Frente Social, *Frente Social - Programas Prioritarios por Sectores,* [online] [cited June 30, 2005]; available from http://www.frentesocial.gov.ec/p_left_progra/p_left_progra.htm#Sector%20Educacion.
[1596] In addition, the Program funds alternative educational programs for youth and promotes children's rights. See U.S. Embassy- Quito, *reporting July 1, 2003*.
[1597] IDB, *Ecuador Social Sector Reform*, 17.

Egypt

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/9/1999	
Ratified Convention 182	5/6/2002	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Street Children)		

Incidence and Nature of Child Labor

An estimated 5.9 percent of children ages 6 to 14 were counted as working in Egypt in 1998. Approximately 3.7 percent of all boys 6 to 14 were working compared to 8.2 percent of girls in the same age group.[1598]

Rural children and children from poor or female-headed households account for the overwhelming majority of working children.[1599] A large proportion of working children are found in family businesses and in the agricultural sector. In agriculture, children are known to work long hours in dusty environments, without masks or respirators, and receive little or no training on safety precautions for work with toxic pesticides.[1600] Children are found working in a number of hazardous sectors, including leather tanneries, pottery kilns, glassworks, blacksmith, metal and copper workshops, battery and carpentry shops, mining and quarrying, carpet weaving, auto repair workshops, and textile and plastics factories.[1601] Child labor is one of many problems associated with poverty. In

[1598] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1599] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Egypt*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41720.htm. See also ILO-IPEC, *Gender, Education and Child Labour in Egypt*, prepared by Kawther Abu Gazaleh, Lamia Bulbul, and Suadad Najium, 2004, 18-21; available from http://www.ilo.org/public/english/standards/ipec/publ/download/gender_edu_egypt_2004_en.pdf. See also UNDP - Egypt and Ministry of Planning, *Millennium Development Goals, Second Country Report: Egypt*, prepared by Public Administration Research Center, 2004, 12; available from http://www.un.org.eg/Documents/MDGREnglish.pdf.

[1600] U.S. Department of State, *Country Reports- 2004: Egypt*, Section 6d. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "Report of the Committee of Experts on the Application of the Minimum Age Convention, 1973 (No. 138), Egypt (ratification: 1999)" (paper presented at the 75th Session, Geneva, 2004); available from http://webfusion.ilo.org/public/db/standards/normes/appl/. See also ILO-IPEC, *Elimination of Child Labor in Egypt*, prepared by Egyptian Trade Union Federation (ETUF) and American Solidarity Center in Cairo, May 2004, 23-25. See also U.S. Embassy- Cairo official, email communication to USDOL official, August 17, 2006.

[1601] ILO-IPEC official, email communication to USDOL official, January 7, 2002, U.S. Embassy- Cairo, *reporting*, October 11, 2001. See also Tonia Rifaey, Mahmoud M. Murtada, and Mohamed Abd el-Azeem, "Urban Children and Poverty: Child Labor and Family Dynamics- Case Studies in Old Cairo" (paper presented at the Children and the City Conference, Amman, Jordan, December 11-13, 2002); available from http://www.araburban.org/childcity/Papers/English/ToniaRifaey.pdf. See also F. Curtale and et al.,

1999, the most recent year for which data are available, 3.1 percent of the population in Egypt were living on less than USD 1 a day.[1602]

Reports indicate a widespread practice of poor rural families making arrangements to send daughters to cities to work as domestic servants in the homes of wealthy citizens.[1603] Urban areas are also host to large numbers of street children who have left their homes in the country-side to find work and who often to flee hostile conditions at home.[1604] Street children work shining shoes, collecting rubbish, begging, cleaning and directing cars into parking spaces, and selling food and trinkets.[1605] Street children are particularly vulnerable to becoming involved in illicit activities, including stealing, smuggling, pornography, and prostitution.[1606] The commercial sexual exploitation of children may be under-acknowledged given that Egyptian cities (Alexandria and Cairo, in particular) are reported destinations for sex tourism.[1607] Egypt is a country of transit for child trafficking, particularly for underage girls from Eastern Europe and the former Soviet

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"Anaemia among Young Male Workers in Alexandria, Egypt," *Eastern Mediterranean Health Journal,* 6 5/6 (September-November 2000); available from www.emro.who.int/Publications/EMHJ/0605/20.htm. See also ILO-IPEC, *Elimination of Child Labor in Egypt*, 15-22.

[1602] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[1603] Child domestic workers are excluded from the protections of the labor code and are highly susceptible to physical and sexual abuse, harsh working conditions, and exploitation. See Karam Saber, *A Situational Analysis of Commercial Sexual Exploitation of Children in Egypt*, Land Centre for Human Rights (LCHR), March 2003, 10-11; available from http://www.ecpat.net/eng/ecpat_inter/projects/monitoring/rabat/egypt.pdf. See also Dena Rashed, "Born an Adult," *Al-Ahram Weekly* (Cairo), June 19-25, 2003; available from http://weekly.ahram.org.eg/print/2003/643/fe2.htm.

[1604] A survey of urban street children conducted by Human Rights Watch in 2002 found that in almost every case, the children were living and working on the street because of severe family crises. Their experiences as street children are also plagued with trauma as Egyptian police routinely arrest and detain them, often subjecting them to extreme forms of abuse. For a more detailed discussion, see Clarisa Bencomo, *Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection*, Vol.15, No.1, Human Rights Watch (HRW), New York, February 2003, 9, para. 21d; available from http://www.hrw.org/reports/2003/egypt0203/egypt0203.pdf.

[1605] Ibid., cover page, 9, 49.

[1606] Ibid., 40. According to research conducted by Dr. Nicholas Ciaccio at the American University of Cairo, more than 80 percent of the estimated 93,000 street children in Egypt are exploited sexually, mainly through prostitution and pornography. See ECPAT International, *Egypt,* in ECPAT International, [database online] [cited June 30, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. Due in part to the extremely taboo nature of sexual issues in Egypt, particularly involving children, information on the extent of commercial sexual exploitation of children is limited. However, crime statistics in Egypt reveal that up to 92 children were prosecuted for child pornography in 2001. See Saber, *Commercial Sexual Exploitation of Children in Egypt*, 5-6.

[1607] The Egyptian Ministry of Social Affairs collaborated with UNICEF recently in a major research project, which highlighted that some poor suburbs in Cairo were major destinations for rich men from the Gulf States, specifically for the purpose of commercial sexual exploitation of children. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Egypt*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27926.htm. See also ECPAT International, *Egypt*. See also UNICEF, *Profiting from Abuse: An investigation into the sexual exploitation of our children*, New York, November 2001, 11; available from http://www.unicef.org/publications/pub_profiting_en.pdf.

Union, who are trafficked into Israel and parts of Europe for forced labor and sexual exploitation.[1608]

The Constitution guarantees free and compulsory basic education for children ages 6 to 15 who are Egyptian citizens.[1609] Despite the constitutional guarantees to universal education, parents are increasingly responsible for both the direct and indirect costs of education. Egyptian law allows for public schools to charge fees for services, insurance, and equipment.[1610] In 2002, the gross primary enrollment rate was 97 percent and the net primary enrollment rate was 91 percent.[1611] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1998, 89 percent of children ages 6 to 14 years were attending school.[1612] As of 2001, 98 percent of children who started primary school were likely to reach grade 5.[1613] A 2000 national survey of children ages 6 to 15 years found that 14 percent of girls were not currently attending school, compared to 8 percent of boys. Working children are predominantly school dropouts or have never been enrolled in school.[1614] The 2000 Egyptian Demographic and Health Survey of children ages 8 to 10 found that 3.4 percent of boys had never attended school, compared to 8.4 percent of girls in the same age group.[1615] Due to a significant investment in building and renovating primary schools in the 1990s, access to primary school education in Egypt is now nearly universal; however, concerns about the quality of education persist.[1616] Weaknesses in the education system that contribute to low school attendance among working children include the centralized educational structure, inadequate teacher

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[1608] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also U.S. Embassy- Cairo, *reporting*, March 2, 2005.

[1609] *The Constitution of the Arab Republic of Egypt: Amendment Ratified on May 22, 1980*, (May 22), Articles 18 and 20; available from http://www.sis.gov.eg/egyptinf/politics/parlment/html/constit.htm. See also U.S. Department of State, *Country Reports- 2004: Egypt*, Section 5. See also UN Committee on the Elimination of Racial Discrimination (CERD), *Periodic Reports of States Parties due in 1999*, CERD/C/384/Add.3, prepared by Government of Egypt, pursuant to Article 9 of the Convention on the Elimination of all Forms of Racial Discrimination, April 11, 2001, paras. 308-310; available from http://www.arabhumanrights.org/countries/egypt/cerd/cerd-c384-add3-01e.pdf.

[1610] Bencomo, *Charged with Being Children*, 11. Indirect costs can include clothing or personal expenses and the increasingly felt need for private tutoring due to low educational quality. See ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 49.

[1611] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[1612] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[1613] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[1614] UN Committee on the Rights of the Child, *Committee on the Rights of the Child - NGO Alternative Report*, CRC.26/Egypt, prepared by NGO Coalition on the Rights of the Child, pursuant to Article 44 on the Convention on the Rights of the Child, January 2001, 24; available from http://www.crin.org/docs/resources/treaties/CRC.26/egypt_ngo_report.pdf. See also ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 32-46.

[1615] American University in Cairo, *Egypt Demographic and Health Survey 2000 (EDHS),* [online] 2000 [cited July 5, 2005]; available from http://www.aucegypt.edu/src/girlseducation/statistics_edhs2000.htm.

[1616] UNICEF Egypt, *The Children: Primary school years,* UNICEF, [online] n.d. [cited June 30, 2005]; available from http://www.unicef.org/egypt/children_152.html.

incentives, a shortage of trained teachers, misallocation of resources, overcrowding, corporal punishment in schools, lack of participatory learning techniques, irrelevant curricula, and inadequate school infrastructure, such as sanitation facilities.[1617]

Child Labor Laws and Enforcement

Article 99 of the Labor Law of 2003 prohibits the employment of children below the age of 14 years.[1618] The law also prohibits juveniles ages 14 to 17 from working more than 6 hours per day, requires at least a 1 hour break, and prohibits juveniles from working overtime, on holidays, more than 4 consecutive hours, or between the hours of 7:00 p.m. and 7:00 a.m.[1619] However, these provisions do not apply to children working in the agricultural sector, in small family enterprises, and domestic service.[1620] In addition, under decree by the governor and approval of the Minister of Education, Law No. 12 of 1996 allows for the employment of children ages 12 to 14 years in seasonal jobs that do not harm their health or impact their schooling,[1621] and children ages 12 to 18 may participate in certain types of apprenticeship training.[1622] There are ministerial decrees which complement the labor law, such as Decree No. 118 of 2003, which prohibits children below age 16 from working in 44 hazardous sectors, including agricultural activities involving the use of pesticides.[1623] Fines for the illegal employment of children range from 500 to 1,000 Egyptian pounds (about USD 87 to 174) per employee.[1624]

[1617] UNDP - Egypt and Planning, *MDGs Second Country Report: Egypt*, 20-21. See also UNDP - Egypt, *Egypt Human Development Report 2004: Choosing Decentralization for Good Governance*, prepared by Egypt Institute of National Planning, 2004, 69-70; available from http://www.undp.org.eg/publications/HDP-2004-E%20.pdf. See also ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 43-45.

[1618] *Labour Law*, Law No. 12/2003, (April 7), Article 99. See also ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 27.

[1619] *Labour Law*, Article 101.

[1620] Ibid., Article 103. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments".

[1621] ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 28. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments".

[1622] *Decree Concerning the Rules and Procedures Regulating Vocational Apprenticeship*, Decree No. 175 of 2003, (August 31), Articles 1-16.

[1623] Decree 118 specifically prohibits employment in cotton compressing, leather tanning, bars, auto repair shops, or with explosives and chemicals (including pesticides). The Decree identifies maximum allowable weights that male and female children are allowed to carry and stipulates that employers provide health care and meals for employed children and implement appropriate occupational health and safety measures in the work place. See *Decree Determining the System of Employing Children, and the Conditions, Terms and Cases in which They Are Employed as well as the Works, Vocations, and Industries in which it is Prohibited to Employ Them, According to the Different Stages of Age*, Decree No. 118 of 2003, (June 30), Articles 1-9. See also U.S. Embassy- Cairo, *reporting*, August 18, 2003. Contrary to this law, seasonal work in agriculture is reportedly performed by children under 12 in state-run cooperatives. See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."

[1624] Fines double if the violation is repeated. Violations of articles pertaining to occupational health and safety result in imprisonment for a period of at least 3 months and/or a fine of up to 10,000 pounds (USD 1,698). See U.S. Embassy- Cairo, *reporting,* August 18, 2003. For the currency conversions, see Oanda.com, *FXConverter,* in FXConverter, [online] [cited July 5, 2005]; available from http://www.oanda.com/convert/classic.

Parents or guardians of a child who fails to enroll in or regularly attend a school are subject to a fine;[1625] however, fines are minimal (approximately USD 1.75) and the regulations are not effectively enforced.[1626]

Egyptian law does not specifically prohibit trafficking in persons;[1627] however, other parts of the criminal code that prohibit forced labor, rape, prostitution, and the abduction of children, may be used to prosecute traffickers.[1628] The Penal Code prohibits forced labor and makes it illegal for a person to entice or assist a male under the age of 21 or a female of any age to depart the country to work in prostitution or other "immoral" activities. The Penal Code also prohibits the incitement of any person under the age of 21 to commit any act of prostitution or "immorality," including the use of children in the production, promotion or distribution of pornography. Violations of these laws are punishable with imprisonment for a period of 1 to 7 years and fines from 100 to 500 pounds (USD 17 to 87).[1629] The minimum age for voluntary recruitment into the armed forces is 18 years of age.[1630] Since 1999, the Government of Egypt has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1631]

The Ministry of Manpower and Migration (MOMM) is the government agency responsible for enforcing child labor laws.[1632] The Child Labor Unit within the MOMM coordinates investigations of reports of child labor violations and ensures enforcement of the laws pertaining to child labor, and a separate unit for child labor inspections within the agricultural sector has been established within the MOMM.[1633] Local trade unions report that in state-owned enterprises, enforcement is adequate, while enforcement in the private and informal sectors is inadequate.[1634] According to the U.S. Department of State, the recent modifications in the Child Labor Law have not significantly improved

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[1625] UN Committee on the Elimination of Racial Discrimination (CERD), *Periodic Reports of States Parties: Egypt*, para. 307.
[1626] ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 39.
[1627] U.S. Department of State, *Trafficking in Persons Report*.
[1628] U.S. Embassy- Cairo, *reporting,* March 2, 2005. See also U.S. Department of State, *Country Reports- 2004: Egypt*, Section 5.
[1629] Interpol, *Legislation of Interpol Member States on Sexual Offences against Children: Egypt, Law no. 10 of 1961, Articles 1-14, Penal Code no. 58 of 1937, Article 178, and Law no. 12 of 1996 (Child Law),* as cited in Interpol national laws database, [database online] January 8, 2003 [cited June 30, 2005]; available from http://www.interpol.org/Public/Children/SexualAbuse/NationalLaws/csaEgypt.asp. See also UN Committee on the Elimination of Racial Discrimination (CERD), *Periodic Reports of States Parties: Egypt*, paras. 132-143. For currency conversion, see Oanda.com, *FXConverter*.
[1630] There are reports that a number of children ages 16 to 18 years are allowed to volunteer for administrative or maintenance work in the armed forces, but do not engage in any forms of military training or combat. See Coalition to Stop the Use of Child Soldiers, *Global Report 2004: Egypt*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=942.
[1631] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[1632] U.S. Embassy- Cairo, *reporting,* August 18, 2003.
[1633] Ibid. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."
[1634] U.S. Department of State, *Country Reports- 2004: Egypt*, Section 6d.

children's working conditions due to weak enforcement by the government.[1635] There is a shortage of labor inspectors trained to identify and intervene in cases involving child labor. However, in recent years, a number of cases involving enforcement of child labor and related infractions were reported by the local press, including arrests of individuals coercing street children to beg, steal and work in other informal activities, as well as individuals caught abusing child domestic workers. In most reported cases, children were removed from the work environment and legal action was taken against the employers who were found to be in violation of child labor laws or other prohibiting legislation. In cases where offenders have been prosecuted, the fines imposed were often as small as 20 pounds (USD 3.47) and had questionable deterrent effect.[1636] The Government of Egypt has made modest efforts to prosecute trafficking cases.[1637]

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

The Government's National Council for Childhood and Motherhood (NCCM) continues to implement a national plan to increase educational opportunities for girls and combat the worst forms of child labor, among other goals.[1638] The NCCM is collaborating with the MOMM, Egyptian Trade Union Federation (ETUF), ILO, UNICEF, and the Ministries of Social Affairs, Agriculture, Education, Health, and Interior to implement action programs related to the plan's objectives.[1639] While the action programs began with technical support from ILO-IPEC and the AFL-CIO Solidarity Center, the NCCM, ETUF, UNICEF, and MOMM now operate the projects independently.[1640] With support from the EU and other donors, the NCCM is implementing a large-scale project addressing children's issues, with a focus on 7 priority areas, including child labor, street children, disabled children, early childhood education, drug abuse, girls' education, and prevention of harmful practices against girls. The Egyptian Prime Minister has recently earmarked 100 million Egyptian pounds (USD 17.5 million) in matching funds towards this initiative.[1641] The NCCM is also implementing projects in the governorates of

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[1635] Ibid.
[1636] Ibid. See also U.S. Embassy - Cairo, *reporting*, September 12, 2005.
[1637] U.S. Department of State, *Trafficking in Persons Report*.
[1638] The national plan became effective in 2004. See U.S. Department of State, *Country Reports- 2004: Egypt*, Section 5.
[1639] The national strategy was incorporated into the government's annual Economic and Social Plan and into the government's 2002-2007 5-year plan. See U.S. Embassy- Cairo, *reporting*, September 1, 2004. See also U.S. Embassy- Cairo, *reporting,* September 12, 2005. See also ILO-IPEC, *Elimination of Child Labor in Egypt*. See also ILO-IPEC, *A Future Vision for the Alleviation and Elimination of the Worst Forms of Child Labour*, prepared by Egyptian Trade Union Federation (ETUF) and American Center for International Labor Solidarity, 2004.
[1640] Upon the completion of MOMM's collaboration with ILO-IPEC in March 2004, five governorates, including New Valley, Luxor, Aswan, North Sinai, and South Sinai, were declared by the government to be free of the worst forms of child labor. See U.S. Embassy- Cairo, *reporting,* September 1, 2004. See also UNICEF Egypt, *Child Protection, Working Children: Issues and impact,* UNICEF, [online] n.d. [cited June 30, 2005]; available from http://www.unicef.org/egypt/protection_147.html.
[1641] The project will be supported through a donor partnership fund of approximately 20 million euro (USD 23.9 million). See U.S. Embassy- Cairo, *reporting,* September 1, 2004. See also Ambassador Hussein El-Sadr, interview with USDOL official, September 20, 2005.

Sharkia, Menofia, Minya, and Damietta to shift working children into non-hazardous activities and gradually eliminate all forms of child labor.[1642]

The NCCM and MOMM are also collaborating with other line ministries and NGOs to increase awareness of child labor and strengthen enforcement of existing laws. The NCCM and the Ministry of Interior are training police officers to raise awareness of child rights and best practices for dealing with at-risk children and youth. The NCCM and MOMM are also working with the Ministry of Information on awareness raising campaigns in all 26 governorates to highlight the negative impact of child labor on children, their families and employers and to educate them about relevant legislation and enforcement issues.[1643] The MOMM is collaborating with the Ministry of Education to identify governorates with high dropout rates and has increased child labor inspection in those areas.[1644] The MOMM and the Ministry of Agriculture are cooperating to prevent underage children from working in the cotton harvesting sector and to provide children working legally with the necessary protection while engaging in agricultural activities.[1645]

In June 2005, the NCCM and UNICEF jointly organized a 3-day conference in Cairo entitled "Middle East and North Africa (MENA) Regional Consultation on Violence against Children," at which Egypt's First Lady, Mrs. Suzanne Mubarak, announced the establishment of a national hotline to receive complaints of abused children, including child laborers.[1646] Following the conference, the NCCM also established a permanent committee to combat all forms of violence against children, which will have branches in all governorates and will include representatives from the Ministries of Interior, Social Affairs, Justice, Education and Health as well as representatives from civil society.[1647] Since 2003, the NCCM and UNICEF have also been implementing the National Strategy for the Protection and Rehabilitation of Street Children (also launched under the auspices of the First Lady), which aims to rehabilitate and reintegrate street children back into society.[1648]

The Government of Egypt has established a National Taskforce for Girls' Education to promote girls' education and eliminate gender disparities in the education system by the year 2015.[1649] In addition, the World Bank's Education Enhancement Program Project is working to ensure universal access to basic education, with an emphasis on girls, and to

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[1642] These four governorates were found to have the highest rates of the worst forms of child labor in a national child labor survey conducted by the Central Agency for Public Mobilization and Statistics (CAPMAS) in 2001. See U.S. Embassy- Cairo, *reporting*, September 1, 2004.
[1643] U.S. Embassy- Cairo, *reporting,* September 12, 2005.
[1644] Ibid.
[1645] U.S. Embassy- Cairo official, personal communication, to USDOL official, May 26, 2005.
[1646] The National Council for Childhood and Motherhood (NCCM), "Every Child Has the Right to be Protected from All Forms of Violence: Outcome document of the Regional Consultation" (paper presented at the The MENA Regional Consultation on Violence Against Children, Cairo, July 2005); available from http://www.ohchr.org/english/bodies/crc/docs/mena171005.doc.
[1647] U.S. Embassy- Cairo, *reporting,* September 12, 2005. See also U.S. Embassy- Cairo official, personal communication to USDOL official, May 26, 2005.
[1648] UNICEF Egypt, *Child Protection, Street Children: Issues and impact,* UNICEF, [online] n.d. [cited June 30, 2005]; available from http://www.unicef.org/egypt/protection_144.html.
[1649] ILO-IPEC, *Gender, Education and Child Labour in Egypt*, 54.

improve the quality of education.[1650] In February 2005, the World Bank also began supporting a USD 108 million Early Childhood Education Enhancement Project, which aims to increase access to and improve the quality of pre-primary education, and increase the capacity of the Ministry of Education to improve kindergarten programs.

[1650] The project is slated for completion in August 2006. See World Bank, *Egypt Education Enhancement Project,* World Bank, [database online] June 30, 2005 [cited June 30, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P005169.

El Salvador

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	8/13/1996	
Ratified Convention 182	10/12/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 10.2 percent of children ages 5 to 14 were counted as working in El Salvador in 2003. Approximately 13.7 percent of all boys ages 5 to 14 were working compared to 6.5 percent of girls in the same age group. The majority of working children were found in the agricultural sector (51.2 percent), followed by services (35.3 percent), manufacturing (12.4 percent), and other (1.1 percent).[1651] Almost 70 percent of working children were found in rural areas.[1652] More than 60 percent of working children work without pay in informal family farms and family businesses.[1653] Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, shellfish harvesting, sugar cane harvesting, and garbage scavenging.[1654] Some children work long hours as domestic servants in third-party homes.[1655] Children from poor families, as well as orphans, work as street vendors[1656] and general laborers in small businesses, primarily in the informal sector.[1657] The 2003 Multiple Purpose Household Survey revealed that 23

[1651] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1652] This figure is based on the number of working children ages 5 to 17. See ILO-IPEC, *Entendiendo el Trabajo Infantil en El Salvador*, Geneva, 2003, 16, 22; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/elsalvador/report/sv2001.pdf.

[1653] This figure is based on the number of working children ages 5 to 17. See Ibid., 29.

[1654] Ibid., 56-59. See also ILO-IPEC, *Combating the Worst Forms of Child Labor in El Salvador- Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in El Salvador*, project document, Geneva, July - September 2001.

[1655] ILO-IPEC, *Trabajo Infantil doméstico en América Central y Republica Dominicana*, San Jose, December 2002, 11, 60. See also Human Rights Watch, *Abuses Against Child Domestic Workers in El Salvador*, Vol. 16, No. 1 (B), January 2004, 13; available from http://www.hrw.org/reports/2004/elsalvador0104/elsalvador0104.pdf.

[1656] According to a USAID/FUNPADEM study, children younger than 11 years of age can be found working along the streets of San Salvador, for more than 8 hours a day. See FUNPADEM, *Situación Actual de Niños, Niñas, y Adolescentes Trabajadores en las Calles de San Salvador*, San José, Costa Rica, 2001.

[1657] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: El Salvador*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41760.htm.

percent of children ages 5 to 17 years were employed in sales, hotels, and restaurants.[1658] Child Labor is one of many problems associated with poverty. In 2000, 31.1 percent of the population in El Salvador were living on less than USD 1 a day.[1659]

Commercial sexual exploitation and trafficking of children, especially girls, is a problem in El Salvador.[1660] El Salvador is a source, transit, and destination country for children trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, Canada, the United States, and other Central American countries. Some children are also trafficked internally from rural areas to urban areas, port cities, and border regions.[1661] Children from Nicaragua, Honduras, and South America have been trafficked to bars in major Salvadoran cities, where they are then forced to engage in prostitution.[1662] Girls ages 12 to 19 years, adolescents lacking formal education, adolescent mothers, single mothers, foreign girls, and persons from rural and poor areas are at special risk of becoming trafficking victims.[1663]

Education is free and compulsory through the ninth grade.[1664] Although laws prohibit impeding children's access to school for being unable to pay school fees or wear uniforms, some schools continued to charge school fees to cover budget shortfalls.[1665] In 2002, the gross primary enrollment rate was 113 percent, and the net primary enrollment rate was 90 percent.[1666] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2003, approximately 80.4 percent of children ages 5 to 14 years attended school.[1667] The 2003 Multiple Purpose Household Survey found that 8.6 percent of children ages 7 to 15 years did not attend school because of work duties.[1668] In 2002, 74 percent of children who started primary school were likely to reach grade 5.[1669]

[1658] General Directorate of Statistics and Censuses, *Multiple Purpose Household Survey*, 2003, ILO-IPEC, *Entendiendo el Trabajo Infantil*.
[1659] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[1660] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5. See also ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 4.
[1661] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm. Evidence of child trafficking existed in the cities of Acajutla and San Miguel. See U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5. See also U.S. Embassy- San Salvador, *reporting,* August 23, 2004.
[1662] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1663] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1664] Government of El Salvador, *1983 Constitution*, Articles 53-57. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1665] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1666] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.
[1667] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[1668] General Directorate of Statistics and Censuses, *2003 Multiple Purpose Household Survey*.
[1669] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

Gaps in coverage and quality of education between rural and urban areas persist.[1670] UNDP data indicates that while children attend school for an average of 5.3 years at the national level, the average drops to 3.2 years in rural areas.[1671] Many students in rural areas attend classes below their grade level or drop out by the sixth grade due to lack of financial resources and in order to work.[1672]

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years.[1673] Children ages 12 to 14 can be authorized to perform light work, as long as it does not harm their health and development or interfere with their education.[1674] Children under 16 years of age are prohibited from working more than 7 hours per day or more than 34 hours per week, regardless of the type of work. Children under the age of 18 are prohibited from working at night.[1675] Forced or compulsory labor is prohibited by the Constitution, except in cases specified by the law.[1676] The Constitution makes military service compulsory between the ages of 18 and 30, but voluntary service can begin at age 16.[1677]

In October 2004, legislation was approved prohibiting all forms of trafficking in persons.[1678] The Police Anti-Trafficking Unit arrested and charged 15 traffickers and rescued 19 minors between October 2004 and February 2005. The government's child protection agency, ISNA, provides shelter, counseling, and legal assistance to rescued victims and children at risk of being trafficked.[1679] Criminal penalties for trafficking range from 4 to 8 years of imprisonment, and increase by one-third if the victim is under the age of 18 years.[1680] El Salvador's Penal Code does not criminalize prostitution.[1681] However, the Penal Code provides for penalties of 8 to 12 years of imprisonment for the inducement, facilitation, or promotion of prostitution of a person younger than 18 years old.[1682] Amendments to the Penal Code designate commercial sexual exploitation of

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[1670] Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations El Salvador*, June 4, 2004, 10.
[1671] ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 10.
[1672] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5. See also Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de desarollo económico y social 2002*, San Salvador, May 2002, 29.
[1673] Government of El Salvador, *Código de Trabajo*, Article 114. See also *1983 Constitution*, Article 38, Part 10.
[1674] *Código de Trabajo*, 114-15.
[1675] Ibid., 116.
[1676] *1983 Constitution*, Article 9. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 6c.
[1677] *1983 Constitution*, Article 215. See also U.S. Embassy- San Salvador, *reporting,* August 23, 2004.
[1678] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1679] See U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1680] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.
[1681] U.S. Embassy- San Salvador, *reporting,* August 17, 2000.
[1682] *Decreto No. 210*, (November 25, 2003). This directive amended the earlier Code that provided for penalties of 2 to 4 years of imprisonment for the same violations. See Government of El Salvador, *Código Penal de El Salvador*.

children as a crime, and trafficking and child pornography as organized crimes, providing for harsher penalties. [1683] Since 1999, the Government of El Salvador has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 and Convention 138.[1684]

Enforcing child labor laws is the responsibility of the Ministry of Labor.[1685] According to the U.S. Department of State, labor inspectors focus on the formal sector where child labor is less frequent and few complaints of child labor are presented.[1686] The State Department also reports that government agencies responsible for combating trafficking were poorly funded.[1687]

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

The Government of El Salvador continues to participate in a national Timebound Program, funded by USDOL and implemented by ILO-IPEC, to eliminate the worst forms of child labor and provide education and other services to vulnerable children. The Timebound Program focuses on eliminating exploitative child labor in fireworks production, fishing, sugar cane harvesting, commercial sexual exploitation, and garbage dumps scavenging.[1688] As part of the Timebound Program's efforts, a labor inspector manual has been developed and several child labor-specific training sessions were carried out during 2005. In addition, questions on child labor were included in the Ministry of Education's 2004 Matriculation Census.[1689] The Ministry of Labor is working with the Association of Sugar Producers to monitor the situation of child labor in the sugar cane industry.[1690] The Government of El Salvador launched a 2005-2009 anti-poverty plan, which seeks to improve education indicators in the country's poorest municipalities, and incorporates a child labor component.[1691] During the year, the National Civilian Police launched an Institutional Plan to Combat Commercial Sexual Exploitation, including of children.[1692] In late 2004, Government's National Steering Committee for the Progressive Elimination of Child Labor launched efforts to build a National Plan for

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[1683] ILO-IPEC, *Timebound Program and Education Initiative Technical Progress Report*, Geneva, March 3, 2004, 4. See *Decreto No. 210*. See also *Decreto No. 457*, (October 7, 2004). *Decreto No. 458*, (October 7, 2004). See U.S. Embassy- San Salvador, *reporting,* August 23, 2004.
[1684] ILO-IPEC Geneva official, e-mail communication to USDOL official, November 14, 2005.
[1685] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 6d.
[1686] Ibid.
[1687] Ibid., Section 5.
[1688] ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 4-8. See also ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, Geneva, January, 2003, 1.
[1689] ILO-IPEC, *Timebound Program and Education Initiative*, Technical Progress Report, Geneva, March 2005, 9.
[1690] Ibid., 14.
[1691] Ibid., 10.
[1692] ILO-IPEC, *Timebound Program and Education Initiative*, Technical Progress Report, September 2005, 4.

Eradicating the Worst Forms of Child Labor in El Salvador.[1693] Progress has been reported in 2005, with numerous consultations taking place among government agencies, employers, workers, and NGO representatives in the drafting of the Plan. The draft is pending finalization.[1694]

The government is also participating in a USDOL-funded Central America regional Child Labor Education Initiative project to strengthen government and civil society's capacity to address the educational needs of working children.[1695] With support from the Government of Italy, ILO-IPEC is carrying out a regional project to reduce children scavenging at garbage dumps.[1696]

In addition to participating in the ILO-IPEC Timebound Program, the Ministry of Education supports a number of programs to increase the quality and coverage of education. These programs include, among others: Healthy School Program,[1697] The Open-School Program,[1698] APREMAT,[1699] EDUCO,[1700] Accelerated School Program,[1701] Multi-Grade School Program,[1702] Distance-Learning Program,[1703] and a scholarship

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[1693] ILO-IPEC, *Timebound Program and Education Initiative, Technical Progress Report, March 2005*.
[1694] ILO-IPEC, *Timebound Program and Education Initiative, Technical Progress Report, September 2005*.
[1695] USDOL, "News Release: United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World," October 1, 2004; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also CARE, *Project Information: Combating Child Labor through Education in Central America & Dominican Republic,* [online] 2004 [cited June 22, 2005]; available from http://www.careusa.org/careswork/projects/SLV041.asp?sitewrapper=print.
[1696] ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha Pais: El Salvador*, May 2005; available from http://www.oit.org.pe/ipec/documentos/fichapais_sv.pdf.
[1697] This is an inter-agency program coordinated by the National Bureau of the Family in conjunction with the Education and Health Ministries. It provides school meals as well as preventive and primary health care. See ILO-IPEC, *Time-Bound Program in El Salvador, project document*.
[1698] This program permits schools to remain open all day and provides after-school informal and technical courses built around the interest of children and adolescents. See Ibid., 13.
[1699] Stands for "Apoyo al Proceso de Reforma de la Educación Media en el Area Técnica." APREMAT is a project financed by the European Union to strengthen technical training by creating vocational centers for adolescents in secondary schools and improving technical education opportunities for adults. See Ibid., 12.
[1700] Stands for "Educación con Participación de la Comunidad". EDUCO is a long-standing program supported by the Salvadoran Ministry of Education (MINED). EDUCO incorporates community participation in the provision of pre-school and primary education in rural areas, especially in the most impoverished ones. Under this program, MINED enters into a contract with parent-run boards for administration and financial management of educational services. The parents run the school, are directly involved in hiring teachers and other administrative matters while the State provides the resources. This program has allowed rapid expansion of primary education to rural areas and in 2001 was seen to be serving 200,000 children in primary schools and 27,000 in pre-school. Evaluations have indicated that educational outcomes do not suffer and that the program is more successful at retaining students than traditional schools. See Ibid.
[1701] This is a pilot project that provides special personalized curriculum and tutoring to enable children, who more than 2 years behind grade-level in primary school, to catch up and be mainstreamed into the grade corresponding to their age group. See Ibid.
[1702] This program offers school facilities to under-serviced areas. See Ibid.
[1703] Aimed at secondary school students, this program provides education through radio, satellite, television and other technologies. See Ibid.

program.[1704] The Ministry also operates a hotline for the public to report school administrators who illegally charge students school fees.[1705] The Ministry of Education has developed a National Education Plan extending to 2021, which incorporates a child labor component.[1706]

The Ministry of Education continues to implement a World Bank-funded 8-year Education Reform Project to improve and expand coverage, quality, and efficiency of pre-school and basic education, with a particular emphasis on rural and marginalized urban areas.[1707] The IDB's 4 ½-year Social Peace Program Support Project, which targets 200,000 children and adolescents, continues to operate in municipalities with the highest rate of crime affecting young people – both as victims and offenders. The project includes provision of services to child victims of violence, efforts to prevent violence among adolescents, and efforts to rehabilitate young offenders through job training scholarships and enhancement of the educational system.[1708] USAID's Earthquake Reconstruction Program is supporting the government's restoration of social infrastructure, including reconstructing and equipping schools and child care centers.[1709]

[1704] Ibid., 12-13. See also Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de desarollo económico y social 2002*, 35-39.

[1705] U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

[1706] ILO-IPEC, *Timebound Program and Education Initiative, Technical Progress Report, March 2005*, 3-4.

[1707] This project was funded in 1998. See World Bank, *Education Reform Project,* [online] June 20, 2005 [cited June 20, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050612.

[1708] This project began in February 2002. See IDB, *Social Peace Program Support Project,* [online] 2002 [cited June 20, 2005]; available from http://www.iadb.org/exr/doc98/apr/es1389e.pdf.

[1709] USAID, *USAID El Salvador: Earthquake Reconstruction,* [online] [cited June 20, 2005]; available from http://www.usaid.gov/sv/er/erir1.htm.

Equatorial Guinea

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/12/1985	
Ratified Convention 182	8/13/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Equatorial Guinea are unavailable.[1710] Children work on family farms and in domestic service, street vending,[1711] and bars and grocery stores.[1712] There are reports that children also work in prostitution, particularly in Bata and the capital city, Malabo.[1713] Children are trafficked to Equatorial Guinea from other countries in West and Central Africa, particularly Cameroon, Nigeria, and Benin. Girls are trafficked for commercial sexual exploitation and domestic service, while boys are forced to work as farmhands and street hawkers. Boys trafficked from Nigeria reportedly work in market stalls in Bata often without pay or personal freedom.[1714]

[1710] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1711] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Equatorial Guinea*, Washington, D.C., February 25, 2004, 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27725.htm. See also *UN Committee on the Rights of the Child, Concluding Observations of the Committee on the Rights of the Child: Equatorial Guinea, CRC/C/15/Add.245, United Nations, Geneva, November 3, 2004, Paragraph 54.*

[1712] Integrated Regional Information Networks, *Equatorial Guinea; Minors Grounded, Prohibited from Working,* Africa News Service, Inc., [online] August 31, 2001 [cited September 29, 2005]; available from www.irinnews.org/print.asp?ReportID=11006.

[1713] Opinions vary on the extent of this problem. See U.S. Department of State, *Country Reports- 2004: Equatorial Guinea*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Equatorial Guinea*, Washington, D.C., June 10, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm. See also Ministry of Labor and Social Security and UNICEF, *Report on Trafficking of Children and Child Labor in Equatorial Guinea*, November 2001. See also AFROL, *Child Labour Increasing in Equatorial Guinea,* [online] November 21, 2000 [cited September 29, 2005]; available from http://www.afrol.com/News/eqg023_child_labour.htm. See also AFROL, *Prostitution Booms in Equatorial Guinea as Education Sector Folds Up,* [online] October 12, 2000 [cited September 29, 2005]; available from http://www.afrol.com/News/eqg013_prostitution.htm.

[1714] U.S. Department of State, *Country Reports- 2004: Equatorial Guinea*, Section 5. A 2001 child trafficking study by the Equatorial Guinean Ministry of Labor and Social Security in collaboration with UNICEF, that questioned 596 children in urban and rural areas of the country, found up to 150 boys and girls whom had been trafficked from Benin and Nigeria. Ministry of Labor and Social Security and UNICEF, *Child Labor and Trafficking Report*.

The Constitution of Equatorial Guinea establishes free and compulsory education through primary school,[1715] but the law is not enforced, and many rural families cannot afford school fees and book expenses.[1716] In 2001, the gross primary enrollment rate was 126.2 percent, and the net primary enrollment rate was 84.6 percent. There was a significant disparity between the net primary enrollment rates of boys and girls, with 91.4 percent of boys enrolled versus 77.9 percent of girls.[1717] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Equatorial Guinea.[1718]

Late entry into the school system and high dropout rates are common, and girls are more likely than boys to drop out of school.[1719] Cultural perceptions, pregnancy, and the expectation that girls will assist with agricultural work result in lower education attainment levels for girls. While some new schools have opened, many lack books and desks. Some teachers serve as political appointees and lack sufficient training.[1720] In the 2005 national budget, the government has allocated additional financial resources to education; however, it is not clear how these funds were used.[1721]

Child Labor Law and Enforcement

The minimum age for employment is 14 years.[1722] Children as young as13 years old may legally perform light work that does not interfere with their health, growth, or school attendance. Children who are at least 12 years old may work in agriculture or handicrafts, with authorization from the Ministry of Labor. Children under 16 years are prohibited from work that might harm their health, safety, or morals.[1723] The U.S. Department of

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[1715] *Constitution of the Republic of Equatorial Guinea*, (January 17, 1995); available from http://www.ceiba-guinea-ecuatorial.org/guineeangl/nvelle_const.htm (cited on September 29, 2005). According to the U.S. Department of State, education is mandatory through age twelve. U.S. Embassy-Yaounde, *reporting*, August, 2005.

[1716] U.S. Department of State, *Country Reports- 2004: Equatorial Guinea*, Section 5.

[1717] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report. There is a similar disparity in attendance rates between boys and girls. UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Paragraph 54.

[1718] According to the representative of UNICEF in Equatorial Guinea in 2000, 50 percent of school-age children did not attend primary school. See AFROL, *Child Labour Increasing*.

[1719] UN Economic and Social Council Commission on Human Rights, *Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World: Report on the Human Rights Situation in the Republic of Equatorial Guinea submitted by the Special Representative of the Commission, Mr. Gustavo Gallón*, pursuant to Commission resolution 2000/19, E/CN.4/2001/38, United Nations, Geneva, January 16, 2001; available from http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/0c79798828d22553c1256a15005b5ddf/$FILE/G0110211.pdf.

[1720] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Paragraph 54.

[1721] U.S. Department of State, *Country Reports- 2004: Equatorial Guinea*, Section 5.

[1722] Ibid., Section 6d.

[1723] 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, CRC/C/11/Add.26, United

State and the Committee on the Rights of the Child report that the Ministry of Labor does not effectively enforce the minimum age for work or other labor laws and mechanisms to control child labor.[1724]

In July, 2005 the government passed a decree banning all children under the age of 16 years from being on the streets after 11 p.m. The decree forbids parents or tutors from exploiting children in labor such as street vending, car washing, or working in bars or restaurants. Under the decree, youth found in the above situations will be automatically arrested, and businesses that employ minors, including family businesses, will be sanctioned. The law stipulates that repeat offenders will face closure of their businesses.[1725]

Forced or bonded labor by children is forbidden, as is prostitution.[1726] In 2004, the Government adopted a new law against smuggling of migrants and trafficking in persons which includes prison terms of 5 to 10 years for those convicted of trafficking.[1727]

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

The Government of Equatorial Guinea has developed a draft national plan of action on trafficking, which includes plans to empower dedicated police officers to fight child trafficking. The plan had not been adopted as of the end of 2005. The government has also conducted a radio campaign to raise awareness about the new trafficking law.[1728]

On March 2, 2004, the government and UNDP launched a plan to train sufficient teachers to provide primary education for every child in the country. Under this plan, the UNDP and Government of Equatorial Guinea have committed to spend USD 5.2 million to train 2,000 teachers, 45 school inspectors, and 35 educational advisors over the next 4 years.[1729]

Nations, Geneva, September 12, 2003, Paragraph 229. Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, March 2005; available from http://www.child-soldiers.org/document_get.php?id=770.

[1724] U.S. Department of State, *Country Reports- 2004: Equatorial Guinea*, 6d. *See also* UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Paragraph 56.

[1725] U.S. Embassy- Yaounde, *reporting,* August, 2005.

[1726] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Equatorial Guinea*, Washington, DC, February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27725.htm.

[1727] U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*. See also U.S. Embassy-Yaounde, *reporting,* August, 2005.

[1728] U.S. Department of State, *Country Reports- 2004: Equatorial Guinea*, Section 5. U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*. See also U.S. Embassy- Yaounde official, email communication, May 26, 2006.

[1729] United Nations Development Program, *$5.2 million investment in Equatorial Guinea aims at early achievement of Millenium education goals,* March 1, 2004; available from http://www.undp.org/dpa/frontpagearchive/2004/march/1mar04/.

Eritrea

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/22/2000	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Eritrea are unavailable.[1730] A significant number of children work on the street, in the agricultural sector, and as domestic servants.[1731] In rural areas, children who do not attend school often work on family farms and in subsistence farming, engaging in such activities as fetching firewood and water and herding livestock.[1732] Children are expected to work from about the age of 5 by looking after livestock and working in the fields.[1733] In urban areas, some children work as street vendors of cigarettes, newspapers, or chewing gum.[1734] There are also underage apprentices in shops and workshops such as garages or metal workshops.[1735]

There have been unconfirmed reports that forced labor by children occurred in the past,[1736] but there was no information available on the practice in 2005. There is a lack of data on the commercial sexual exploitation of children in Eritrea.[1737]

Education is free and compulsory through grade seven.[1738] However, families are responsible for uniforms, supplies, and transportation, which can be prohibitively

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[1730] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[1731] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Eritrea*, CRC/C/15/Add.204, United Nations, Geneva, July 2, 2003, para. 55; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.204.En?OpenDocument. See also ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Eritrea (ratification:2000),* [online] 2004 [cited September 28, 2005]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.

[1732] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Eritrea*, Washington, DC, February 28, 2005, Section 6; available from http://www.state.gov/g/drl/rls/hrrpt/2004/index.htm. See also U.S. Embassy- Asmara, *reporting*, September 8, 2005.

[1733] ILO Committee of Experts, *Direct Request, Minimum Age Convention.*

[1734] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 6.

[1735] ILO Committee of Experts, *Direct Request, Minimum Age Convention.*

[1736] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 6.

[1737] UN Committee on the Rights of the Child, *Consideration of Reports under Article 44 - Concluding Observations*, para. 57.

[1738] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 5.

expensive; such costs discourage many parents from sending their children to school.[1739] In addition, schools are not physically accessible to all Eritreans, particularly in rural areas.[1740] Education above grade seven is not compulsory, and students must pay a nominal fee.[1741]

In 2002, the gross primary enrollment rate was 63 percent and the net primary enrollment rate was 45 percent.[1742] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Eritrea.[1743] As of 2001, 86 percent of children who started primary school were likely to reach grade 5.[1744]

There is a significant disparity in educational access between urban and rural-dwelling children, primarily because development has been concentrated in urban areas.[1745] According to the most recent figures available, which were drawn from surveys conducted between 1990 and 1999, 79 percent of urban children attended school compared with 24 percent of rural children.[1746] There is also a disparity between the number of boys and girls in school.[1747] It is common for girls attending rural schools to leave before the school day ends in order to work at home on domestic tasks.[1748]

In 2003, the government added an additional grade to secondary school and required that all students throughout the country attend their final year at a location adjacent to the Sawa military training facility in the western region of the country; students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be eligible for advanced education.[1749] The remote location of the school, concerns about security, and societal attitudes restricting the free movement of girls resulted in few

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[1739] Ibid.
[1740] U.S. Embassy- Asmara, *reporting*.
[1741] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 5.
[1742] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[1743] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[1744] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[1745] UN Committee on the Rights of the Child, *Summary Record of the 866th Meeting (Thirty-third session) - Consideration of Reports of States Parties (continued), Initial report of Eritrea (continued)*, CRC/C/SR.866, United Nations Committee on the Rights of the Child, New York, June 2, 2003, para. 82.
[1746] See UNICEF, *City to Countryside: A long way to go in schooling,* The Progress of Nations 2000- Lost Children, [online] n.d. 2000 [cited June 7, 2004]; available from http://www.unicef.org/pon00/ctc.htm.
[1747] UN Committee on the Rights of the Child, *Consideration of Reports under Article 44 - Concluding Observations*, para. 51.
[1748] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 5.
[1749] Ibid. Amnesty International, *Eritrea: 'You have no right to ask' - Government resists scrutiny on human rights*, AFR 64/003/2004, Amnesty International, London, May 2004, 25. Human Rights Watch, *Essential Background: Overview of human rights issues in Eritrea*, Human Rights Watch, Washington, D.C., January 2004; available from http://hrw.org/english/docs/2004/01/21/eritre6987.htm.

female students enrolling in their last year of high school.[1750] There is also concern that this school is under the authority of the military, and at least one official was reported as saying that he considers the students to be members of the armed forces.[1751] According to the U.S. Department of State, students attend the Sawa military training camp and undergo military training during their last year of school.[1752]

Child Labor Laws and Enforcement

Article 68/1 of Labor Proclamation No. 118/2001 sets the minimum age of employment at 14 years.[1753] Young persons between the ages of 14 and 18 may not work between the hours of 6 p.m. and 6 a.m., and they may not work more seven hours per day.[1754] Young persons are not permitted to work in jobs that involve heavy lifting, contact with toxic chemicals, underground work, the transport industry, dangerous machines, exposure to electrical hazards, or the commercial sex trade.[1755] Section 3(9) of Labor Proclamation No. 118/2001 states that apprentices may be hired at the age of 14.[1756]

The worst forms of child labor may be prosecuted under different statutes in Eritrea. Article 16 of the Constitution prohibits slavery and forced labor except when authorized by law.[1757] Proclamation 11/199 prohibits the recruitment of children under 18 years of age into the armed forces.[1758] Eritrean law criminalizes child prostitution, pornography, and sexual exploitation. Article 605 of the Criminal Code prohibits the procurement, seduction, and trafficking of children for prostitution.[1759]

Inspectors from the Ministry of Labor and Human Welfare (MLHW) are responsible for enforcing child labor laws.[1760] Legal remedies available to the labor ministry include criminal penalties, fines, and court orders.[1761] According to the U.S. Department of State,

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[1750] Women may, however, earn an alternative secondary school certificate by attending night school after completing their compulsory term of national service. U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 5.
[1751] Amnesty International, *You have no right to ask*, 25. Human Rights Watch, *Background - Eritrea*.
[1752] U.S. Embassy- Asmara, *reporting*.
[1753] ILO Committee of Experts, *Direct Request, Minimum Age Convention*. UN Committee on the Rights of the Child, *Addendum: Eritrea*, CRC/C/41/Add.12, United Nations, Geneva, December 23, 2002, para. 68, 422; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8a52da90a06e49e7c1256ce00030 7fc9/$FILE/G0246422.pdf.
[1754] UN Committee on the Rights of the Child, *Addendum: Eritrea*, para. 68.
[1755] Ibid. U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 6. U.S. Embassy- Asmara, *reporting*.
[1756] ILO Committee of Experts, *Direct Request, Minimum Age Convention*. U.S. Embassy- Asmara, *reporting*.
[1757] *The Constitution of Eritrea*, (May 23, 1997), Chapter III Article 16.
[1758] UN Committee on the Rights of the Child, *Addendum: Eritrea*, para. 88.
[1759] The Protection Project, *2005 Humans Rights Report*.
[1760] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 6. 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, Eritrea*, CRC/C/41/Add.12, United Nations Committee on the Rights of the Child, New York, December 23, 2002, para. 422.
[1761] U.S. Embassy- Asmara, *reporting*.

inspections are rare because of the level of available resources and the small number of inspectors.[1762] There is no information on the level of resources at the labor ministry devoted to investigating child labor abuses.[1763] There is no information on the number of inspections carried out in the past year,[1764] and, as of 2004, no labor inspection reports had referred to cases of child labor.[1765]

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

The Government of Eritrea is implementing a National Program of Action on Children, coordinated by its National Committee on the Rights of the Child, which is scheduled to end in 2006.[1766] The UN Committee on the Rights of the Child, however, is concerned that the National Committee on the Rights of the Child does not have sufficient resources to implement its mandate.[1767] There is a plan of action on child labor that primarily focuses on strongly integrating or reintegrating children with families, communities, and schools as a means of preventing or rehabilitating children engaged in child labor.[1768]

The MLHW works with at-risk children by providing a small subsidy to their families to help with food and clothing, as well as counseling services to help children reintegrate into their nuclear or extended families.[1769] At-risk children are also enrolled or re-enrolled at local schools, and the MLHW tracks their development through local committees or ministry employees.[1770] The government has a program to identify children involved in commercial sex work and reintegrate them with their families and society.[1771] The government is also making efforts to assist street children; they received allowances to purchase uniforms and books so that they could attend school, while those older than school age were sent to private training centers designed to help them learn a vocation and reintegrate into the community.[1772] According to the U.S. Department of State, these types of prevention and reinsertion activities are one of the ministry's primary activities to address child labor issues.[1773]

[1762] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 6. U.S. Embassy- Asmara, *reporting*.
[1763] U.S. Embassy- Asmara, *reporting*.
[1764] Ibid.
[1765] ILO Committee of Experts, *Direct Request, Minimum Age Convention*.
[1766] UN Committee on the Rights of the Child, *Consideration of Reports under Article 44 - Concluding Observations*, para. 8.
[1767] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention (Thirty-third session)*, CDC/C/15/Add.204, UN Committee on the Rights of the Child, New York, July 2, 2003, para. 8.
[1768] U.S. Embassy- Asmara, *reporting*.
[1769] Ibid.
[1770] Ibid.
[1771] U.S. Department of State, *Country Reports- 2004: Eritrea*, Section 5. U.S. Embassy- Asmara, *reporting*.
[1772] UN Committee on the Rights of the Child, *Summary Record - Consideration of Reports*, para. 77. U.S. Embassy- Asmara, *reporting*.
[1773] U.S. Embassy- Asmara, *reporting*.

The government has conducted awareness campaigns through the state media for the general public and has conducted training for officials charged with enforcing child labor laws.[1774] Through state media, the government routinely provides information on its strategy and its obligations under the Convention on the Rights of the Child.[1775]

The Government of Eritrea is implementing the Eritrea Education Sector Investment Project with support from the World Bank. The project is designed to increase enrollment and completion rates in basic education, especially for disadvantaged children, and to improve the quality of basic education by building classrooms, establishing a Teacher Training and Development Unit within the Ministry of Education, and implementing the Ministry of Education's curricula and pedagogical reform program.[1776]

The AFDB is supporting two projects to improve access to basic and secondary education and reduce inefficiencies in the management of the education system. These two projects will construct over 800 new classrooms at both primary and secondary schools, including for special needs education; equip schools; and build capacity within the Ministry of Education.[1777]

UNICEF is supporting the Government of Eritrea in elaborating its Education Sectoral Development Plan (ESDP), which provides an operational framework for developments in education; the government and other stakeholders discussed and adopted the ESDP in April 2005.[1778] UNICEF is supporting the construction of seven schools in order to help increase net school enrollment.[1779] UNESCO funded a Ministry of Education project to provide basic school supplies and writing materials to 40,000 students in rural schools

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[1774] Ibid.
[1775] Ibid.
[1776] The program started in June 2003 and is slated to run through February 2009. The World Bank Group, *Eritrea - Education Sector Improvement Project (Project Information Document)*, AB43, The World Bank Group, Washington, DC, April 17, 2003; available from http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070272.
[1777] Both projects began in 2005. African Development Bank Group, *Appraisal Report Education Sector Development Programme: Eritrea*, African Development Fund, Abidjan, Cote d'Ivoire, June 2004; available from http://www.afdb.org/pls/portal/docs/PAGE/ADB_ADMIN_PG/DOCUMENTS/OPERATIONSINFORMATION/ADF_BD_WP_2004_130_E.PDF. African Development Bank Group, *ADF contributes to Education Sector Development in Eritrea*, African Development Bank Group, Abidjan, Cote d'Ivoire, March 2, 2005; available from http://www.afdb.org/pls/portal/PORTAL.wwv_media.show?p_id=154810&p_settingssetid=19&p_settingssiteid=0&p_siteid=273&p_type=basetext&p_textid=155053.
[1778] UNICEF, *UNICEF Humanitarian Action: Eritrea Donor Update*, United Nations International Children's Fund (UNICEF), New York, May 27, 2005; available from www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6CSL4D?OpenDocument.
[1779] Ibid. UN OCHA, *Eritrea: Humanitarian Update*, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, June 30, 2005; available from www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6E8ASP?OpenDocument.

within the drought-affected sub-zones of Anseba, North Red Sea, and South Red Sea Regions.[1780]

[1780] The project duration is January 2003 – January 2005. UNESCO, *Emergency Educational Assistance for drought-affected and displaced school-age children in Eritrea (on going),* UNESCO, [online] n.d. [cited August 3, 2005]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=14109&URL_DO=DO_TOPIC&URL_SECTION=201.html.

Ethiopia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/27/1999	
Ratified Convention 182	9/02/2003	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 49.7 percent of children ages 5 to 14 years were counted as working in Ethiopia in 2001. Approximately 39.5 percent of all boys 5 to 14 were working compared to 59.5 percent of girls in the same age group. The majority of working children were found in the agricultural sector (94 percent), followed by services (3.6 percent), manufacturing (1.2 percent), and other sectors (1.1 percent).[1781] In rural areas, the largest numbers of working children, especially boys, are engaged in activities such as cattle herding, petty trading, wage work, plowing, harvesting and weeding. Children, mostly girls, are also engaged in domestic activities, such as washing clothes, food preparation, caring for children and collecting firewood and water.[1782] In urban areas, domestic activities are the most common forms of work in which children are engaged.[1783] Some child domestics in Addis Ababa are orphans. Children working as domestic servants are sometimes victims of physical, verbal and sexual abuse.[1784] The highest percentages of working children are found in the Amhara, Oromia, Southern

[1781] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1782] Tassew Woldehanna, Bekele Tefera, Nicola Jones, and Alebel Bayray, *Child Labour, Gender Inequality and Rural/Urban Disparities: how can Ethiopia's national development strategies be revised to address negative spill-over impacts on child education and wellbeing?* Working Paper No. 20, 2005, 15-17,30; available from http://www.savethechildren.org.uk/younglives/data/publications/pdfs/WP20Labour.pdf. See also Sonia Bhalotra, *Child Labour in Africa*, Paris, April 28, 2003, 48-49; available from http://www.oecd.org/cataoecd/28/21/2955692.pdf. See also Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report*, 2001; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ethiopia/.

[1783] Woldehanna, *Child Labour, Gender Inequality and Rural/Urban Disparities*, 15. In urban areas, children work in productive activities including street peddling, delivering messages, shoe-shining, portering, assisting transport drivers, construction, mining, manufacturing, refuse disposal and shop and market sales work. Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report 2001*.

[1784] The long hours worked by child domestics may prevent regular attendance at school. These children also may not be able to voluntarily quit their jobs. See Abiy Kifle, *Ethiopia - Child Domestic Workers in Addis Ababa: A Rapid Assessment*, ILO-IPEC, Geneva, July, 2002, 18-19,22; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ethiopia/ra/domestic.pdf.

Nation, Nationalities and Peoples (SNNP) and Tigray regions.[1785] Many children start working at the age of 5.[1786] Different sources estimate that there are between 150,000 and 700,000 street children in Ethiopia and roughly between 50,000 to 150,000 in Addis Ababa alone.[1787] Some of these children beg or work in the informal sector in order to survive.[1788] Child labor is one of many problems associated with poverty. In 2000, 23 percent of the population in Ethiopia were living on less than USD 1 a day.[1789]

Reports indicate that the commercial sexual exploitation of children is increasing in Ethiopia.[1790] Girls as young as 11 years old have reportedly been recruited to work in brothels where they are targeted by customers because they are believed to be free from sexually transmitted diseases.[1791] Girls also work as prostitutes in resort towns and rural truck stops. Girls also work as barmaids and as hotel workers, which may expose them to involvement in commercial sexual exploitation.[1792] Ethiopia is a source country for children trafficked for forced labor and sexual exploitation primarily to Djibouti, Lebanon, and other countries in the Middle East. Children are also trafficked internally from rural to urban areas for domestic service, prostitution, and forced labor.[1793]

[1785] Woldehanna, *Child Labour, Gender Inequality and Rural/Urban Disparities*, 15.
[1786] Ibid., 17.
[1787] The Government of Ethiopia estimates the total number of street children at 150,000 to 200,000, and somewhere between 50,000 and 60,000 on the streets of Addis Ababa. UNICEF estimates are significantly higher. See UNICEF, *The UNICEF Protection, Rehabilitation and Prevention of Street Children and Street Mothers Project*, Addis Ababa; available from http://www.unicef.org/ethiopia/ET_media_child_protection.pdf. See also U.S. Department of State, *Country Reports - 2004: Ethiopia*, Section 5.
[1788] See U.S. Department of State, *Country Reports on Human Rights Practices - 2004: Ethiopia*, Washington, DC, February 28, 2005, Sections 5, 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41603.htm. See also SCD SNGOA, and ANPPCAN-Ethiopian Chapter, *Study on the Worst Forms of Child Labour with Special Focus on Child Prostitution - in Addis Ababa*, Addis Ababa, June, 2003, 3; available from http://www.redbarnet.dk/Files/Filer/sexuelt_misbrug/ChildProstitutionStudy.doc. See also L Mapp, *Children Working on the Streets of Ethiopia*, online, 2000; available from http://www.unicef.org/evaldatabase/index_14282,html.
[1789] World Bank, *World Development Indicators 2005* [DC-ROM], Washington, DC, 2005.
[1790] CSEC Database ECPAT International, http://www.ecpat.net./eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=57&CountryProfile=&CSEC=Overview&Implement=&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry (Ethiopia; accessed June 29, 2005). See also U.S. Department of State, *Country Reports - 2004: Ethiopia*, section 5. See also UN Integrated Regional Information Network, *Ethiopia: Child prostitution on the rise, report says*, Addis Ababa, July 15, 2003; available from http://www.irinnews.org/report.asp?ReportID=35392&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA.
[1791] U.S. Department of State, *Country Reports - 2004: Ethiopia*, Section 5.
[1792] Ibid. Girls as young as 13 have been seen on the street soliciting clients. See ECPAT International, (Ethiopia).
[1793] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. See also U.S. Department of State, *Country Reports - 2004: Ethiopia*, Section 5. See also Alisha Ryu, *Ethiopian Children Easy Prey for Child Traffickers*, Addis Ababa, May 26, 2005; available from http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6CSC3Y?OpenDocument.

Primary education is compulsory through grade six and free, but there are not enough schools to accommodate students.[1794] In urban areas, the government used a three-shift system to increase access to primary and secondary schools.[1795] Students in rural areas often have limited access to education,[1796] and girls' enrollment in school remains lower than that of boys in all regions but the capital city.[1797] In 2003, the gross primary enrollment rate was 70 percent and the net primary enrollment rate was 51 percent.[1798] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 36.8 percent of children ages 5 to 14 years were attending school.[1799] In 2002, 62 percent of children who started primary school were likely to reach grade 5.[1800] Many children in Ethiopia start school at a late age; the mean age of first graders is over 10 years, despite the fact that the official age when schooling begins is seven.[1801]

Child Labor Laws and Enforcement

Ethiopia's Labor Proclamation sets the minimum age for employment at 14 years.[1802] 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 a child. Prohibited activities include transporting goods by air, land, or sea; working with electric power generation plants; and performing underground work.[1803] Young workers are prohibited from working over 7 hours per day, night hours between 10 p.m. and 6 a.m., during weekly rest days, and on public holidays.[1804]

The worst forms of child labor may be prosecuted under different statutes in Ethiopia. Article 36 of the Constitution states that children have the right to be protected against exploitative practices and work conditions, and should not engage in employment that could threaten their health, education or well-being.[1805] Ethiopia's Penal Code was

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[1794] U.S. Department of State, *Country Reports - 2004: Ethiopia*, Section 5.
[1795] Ibid.
[1796] U.S. Department of State, *Country Reports - 2004: Ethiopia*, section 5. See also ILO/EAMAT, *A Study on Child Labour in Rural Ethiopia: working paper no. 1*, ILO/Eastern Africa Multidisciplinary Advisory Team, Addis Ababa, 1999, 10. See also UN Integrated Regional Information Networks, "Ethiopia: Focus on Primary Education", IRINnews.org, [online], July 30, 2002 [cited December 2, 2005]; available from http://www.irinnews.org/report.asp?ReportID=29084&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA.
[1797] U.S. Department of State, *Country Reports - 2004: Ethiopia*, Section 5.
[1798] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[1799] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[1800] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, percentage of repeaters, survival rates; accessed December 2005).
[1801] Julie Schaffner, *The Determinants of Schooling Investments Among Primary School Aged Children in Ethiopia*, The World Bank, November, 2004, 6.
[1802] *Negarit Gazeta of the Transitional Government of Ethiopia*, Proclamation No. 42/1993, Articles 2-4.
[1803] A "young worker" refers to those aged 14 to 18. See Ibid., Articles 1,3-4.
[1804] Ibid., Articles 90, 91.
[1805] *The Constitution of the Federal Democratic Republic of Ethiopia*, (December 8), Article 36; available from http://www.ethiopianembassy.org/constitution.doc.

amended in 2005 to include provisions to address loopholes in child trafficking legislation. According to the Penal Code, child trafficking is punishable by imprisonment of up to 5 years and a fine of up to USD 10,000.[1806] A newly developed database will improve the government's ability to track the outcome of trafficking in persons arrests.[1807] The code also prohibits forced or bonded labor of children.[1808] The minimum age for military conscription is 18.[1809] Since 1999, the Government of Ethiopia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1810]

The Ministry of Labor and Social Affairs is responsible for enforcement of child labor laws.[1811] The Department of State reports that within the formal industrial sector, the Government made some efforts to enforce these laws.[1812] However, various sources report that exploitative child labor is pervasive, particularly in the agrarian and the informal sectors,[1813] areas where child labor laws are not easily enforced.[1814]

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

The Government of Ethiopia has adopted a National Plan of Action for Children which includes activities to promote quality education to children and protect them from violence, abuse and exploitation.[1815] The Children, Youth, and Family Affairs Department at the Ministry of Labor and Social Affairs chairs the National Steering Committee against Sexual Exploitation of Children.[1816] The U.S. Department of State reports that the government's protection services for trafficking victims increased during the second half of 2004 and the first half of 2005. Child protection units in the capital city's police stations carried out efforts to detect cases of trafficking in persons.[1817] A

[1806] U.S. Department of State, *Trafficking in Persons Report*. See also *Penal Code of the Empire of Ethiopia*, (1957), Article 605 a,b. See also U.S. Department of State, *Trafficking in Persons Report*.
[1807] U.S. Department of State, *Trafficking in Persons Report*.
[1808] U.S. Department of State, *Country Reports - 2004: Ethiopia*, section 6c.
[1809] *Ethiopia Manpower Considerations,* ITA, [online] n.d. [cited December 2, 2005]; available from http://www.photius.com/countries/ethiopia/national_security/ethiopia_national_security_manpower_considerati~8178.html. See also *Ethiopia Military Manpower-Military Age,* Index Mundi, [online] January 1, 2005 [cited December 2, 2005]; available from http://www.indexmundi.com/ethiopia/military_manpower_military_age.html.
[1810] ILO-IPEC official, email communication to USDOL official, November 8, 2005.
[1811] U.S. Department of State, *Country Reports - 2004: Ethiopia*, Section 6d.
[1812] Ibid., section 6d.
[1813] Ibid.
[1814] Bhalotra, *Child Labour in Africa*, 65.
[1815] *Joint Action Plans Launched for Children,* Relief Web, [online] December 17, 2004 [cited June 29, 2005]; available from http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-684RVZ?OpenDocument.
[1816] U.S. Department of State, *Country Reports - 2004: Ethiopia*, section 6d. See also SNGOA, *Study on the Worst Forms of Child Labour*.
[1817] U.S. Department of State, *Trafficking in Persons Report*.

USAID-funded center provides services to trafficking victims.[1818] As part of a US Department of State-funded program to combat the trafficking of women and children to the Middle East, high-school aged students were educated about the dangers of trafficking in persons. In the capital city, a 24-hour hotline provided confidential counseling and support.[1819]

The Ministry of Labor and Social Affairs, in coordination with UNICEF, is implementing a program to provide formal and non-formal education, school materials, and health care to over 6,000 street children.[1820] USDOL-funded projects increase educational alternatives to children exploited in hazardous labor and document best practices and replicable strategies.[1821] The Government of Italy supports an ILO-IPEC Country Program to combat the worst forms of child labor in Ethiopia.[1822]

The government works with the WFP on a U.S. Department of Agriculture-funded school feeding program aimed at improving school children's nutrition, attendance and retention rates in school and increasing parental involvement in school activities.[1823] UNICEF collaborates with the Ethiopian Government on education and child protection activities.[1824] In September 2005, UNICEF received USD 4.96 million from the Swedish Government, which will be used to begin implementation of the first phase of the National Plan of Action for children orphaned and made vulnerable by HIV/AIDS. Funds will be used to foster open communication between children and parents, to build the capacity for youth programming, to develop youth friendly services (including voluntary counseling and testing), and to strengthen anti-AIDS clubs and other youth groups.[1825]

USAID is funding a 6-year educational program through 2007 that focuses on training new teachers, providing in-service training for current teachers, improving the quality of radio instruction, strengthening community/government partnerships, and improving education management systems.[1826]

[1818] Integrated Regional Information Networks, "Centre for Helping Victims of Trafficking Opens", IRINnews.org, [online], 2004 [cited June 29, 2005]; available from http://www.irinnews.org/print.asp?ReportID=41909.
[1819] US Embassy- Addis Ababa, *reporting*, February 1, 2005.
[1820] UNICEF, *Child Protection*; available from http://www.unicef.org/ethiopia/protection_465.html.
[1821] Winrock International, *Projects in Ethiopia,* [online] 2005 [cited December 20, 2005]; available from http://www.winrock.org/where/display_country.cfm?CountryID=680.
[1822] ILO-IPEC official, email communication, November 8, 2005.
[1823] U.S. Department of Agriculture, *The Global Food for Education Pilot Program*, Report to the United States Congress, Washington D.C., February, 2003; available from http://www.fas.usda.gov/excredits/FoodAid/FFE/gfe/congress2003/countryreports.htm.
[1824] UNICEF, *At a glance: Ethiopia*, 2004; available from http://www.unicef.org/infobycountry/ethiopia.html. See also UNICEF, *Child Protection*.
[1825] Implementation will take place over a 3 year period in the regions of: Afar, Oromia, Somali and Tigrai. UNICEF, *UNICEF receives US 4.96 million from Sweden to scale up response to HIV/Aids among orphans, vulnerable children and youth,* [online] September 9, 2005 [cited December 28, 2005]; available from http://www.reliefweb.int/rw/rwb.nsf/db900SID/EVOD-6G3CDU?OpenDocument.
[1826] *Ethiopia: Program Data Sheet 663-009,* USAID, [online] n.d. [cited May 27, 2004]; available from http://www.usaid.gov/pubs/cbj2003/afr/et/663-009.html. See also USAID, *Basic Education Strategic Objective 2: Community-Government Partnership Program*, November, 2004.

Fiji

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	1/3/2003	
Ratified Convention 182	4/17/2002	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Fiji are unavailable.[1827] According to the Fijian Teachers Association and the Fiji Teachers Union, and based on school attendance and dropout rates, it is estimated that 20,000 to 30,000 children work in the informal sector, family businesses and family farms.[1828] Children work in agriculture in Fiji, including in the tobacco sector.[1829] Other children, especially those that are homeless, work in the informal sector and on the streets. Children shine shoes, collect bottles, run errands for restaurants, repair cars, and work as domestics in homes.[1830] Children on the streets are susceptible to commercial sexual exploitation[1831] and are lured into the commercial sex industry by both local and foreign adults wishing to profit from the pornography trade.[1832]

Primary school education is compulsory for children ages 6 to 15.[1833] In 2001, the gross primary enrollment rate was 109 percent, and the net primary enrollment rate was 100

[1827] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[1828] U.S. Embassy- Suva, reporting, August 26, 2005.

[1829] Farm Consultancy Services, *Child Labour in the Fiji Tobacco Industry*, Geneva, September 21, 2004, 17, 19; available from http://www.eclt.org/news/updates.html.

[1830] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Fiji*, *reporting*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41642.htm.

[1831] Ibid.

[1832] UN Commission on Human Rights, *Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography; Addendum, Report on the Mission of the Special Rapporteur to the Republic of Fiji on the Issue of Commercial Sexual Exploitation of Children (October 11-16, 1999)*, E/CN.4/2000/73/Add.3, Geneva, December 27, 1999, Para. 36, 104; available from http://www.hri.ca/fortherecord2000/documentation/commission/e-cn4-2000-73-add3.htm. See also The Protection Project, *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children: Fiji*, 2005; available from http://www.protectionproject.org/report/allreports.htm.

[1833] UNESCO, *Global Education Digest 2004: Comparing Education Statistics Around the World*, UNESCO Institute for Statistics, Montreal, 2004; available from http://www.uis.unesco.org/TEMPLATE/pdf/ged/2004/GED2004_EN.pdf. See also U.S. Department of State, *Country Reports- 2004: Fiji*, Section 5.

percent.[1834] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Fiji.[1835] The cost of transportation and the imposition of fees at some schools are reported to limit attendance for some children.[1836] As of 2000, 88 percent of children who started primary school were likely to reach grade 5.[1837] As it is compulsory for children to attend primary school, some schools put various forms of pressure on the children to pay a fee. If the children do not pay the fee, they can be sent home, prevented from enrolling in the next school year, or barred from taking external exams.[1838]

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Fiji. The Employment Ordinance states no child under the age of 12 years shall be employed in any capacity whatsoever. The Employment Act sets the minimum ages for employment, with children defined as being less than 15 years of age. The Act also establishes that children between 12 and 15 years cannot work under harsh working conditions or where there are long hours, night work, or hard or heavy work.[1839] The Constitution prohibits forced labor,[1840] and the Penal Code prohibits the sale or hiring of minors less than 16 years of age for prostitution.[1841] Currently, there is no law concerning the minimum age of conscription into the military. The minimum age for voluntary military service is 18 years of age.[1842] The U.S. Department of State has reported that the country's child labor laws and enforcement mechanisms are insufficient.[1843]

[1834] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[1835] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[1836] U.S. Department of State, *Country Reports- 2004: Fiji*, Section 5. See also UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children*, Para. 84.
[1837] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[1838] UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children*, Para. 84.
[1839] Government of Fiji, *Employment Ordinance*, (1978), Section 58; available from http://paclii.org/vu/fj/legis/consol_act/eo202.html. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1995, Addendum: Fiji*, CRC/C/28/Add.7, prepared by Government of Fiji, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 1996, Section 258; available from http://www.bayefsky.com/reports/fiji_crc_c_28_add.7_1996.php.
[1840] *Fiji Constitution, 1988*, Section 24; available from http://www.oefre.unibe.ch/law/icl/fj00000_.html.
[1841] Government of Fiji, *Penal Code*, (1978), Section 162-3; available from http://www.vanuatu.usp.ac.fj/paclawmat/Fiji_legislation/Consolidation_1978/Fiji_Penal_Code.html.
[1842] Central Intelligence Agency, *The World Factbook - Fiji*, Washington, August 30, 2005; available from http://www.cia.gov/cia/publications/factbook/geos/fj.html.
[1843] U.S. Department of State, *Country Reports- 2004: Fiji*, Section 6d.

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

A committee with a broad range of members, including the Ministry of Labor, Ministry of Women, Ministry of Education, Ministry of Information, the ILO, the Fiji Police Force, employers' and workers' organizations, and UNICEF was formed in June 2005 to focus on issues of the elimination of the worst forms of child labor. The committee will develop programs to address child labor issues in Fiji and in other Pacific Island countries.[1844]

The Government of Fiji receives bilateral assistance for the country's development strategy from donor agencies such as Australia's International Aid and Development Agency (AusAID) and New Zealand's International Aid and Development Agency (NZAID) to implement new programs in the education sector, particularly in rural and peri-urban areas.[1845] The Government of Fiji has several ongoing education programs being funded by AusAID: the Lautoka Teachers College Upgrade (2002-2005); the Fiji Education Sector Program (2003-2008); and the Rural Schools Infrastructure Project (ongoing). These projects are intended to train primary school teachers; improve the delivery and quality of educational services; and improve access to schools in rural areas.[1846] NZAID provides the Government of Fiji with resources to support primary school education.[1847]

Save the Children Fiji cooperates with the Ministry of Education to identify schools in need of textbooks and provides money to these schools to purchase textbooks. Children from families with financial need are given school subsidies so that the children have access to books.[1848]

[1844] International Labor Organization, *Commemoration of the World Day Against Child Labour*, prepared by International Programme on the Elimination of Child Labour, June 12, 2004; available from http://www.ilo.org/public/english/standards/ipec/themes/domestic/wdacl_followup_04.htm. See also Fiji Government, *Committee Set Up to See Eradication of Child Labour*, 2005; available from http://www.fiji.gov.fj/cgi-bin/cms/exec/view.cgi/64/4884.shtml.

[1845] AusAID, *AusAID Pacific Program Profiles 2003-2004- Fiji*, Australian Government, Canberra, February 2003, pg. 13; available from http://www.ausaid.gov.au/publications/pdf/pac_prog_prof.pdf. See also NZAID, *Fiji Overview,* New Zealand Government, June 1, 2005; available from http://www.nzaid.govt.nz/programmes/c-fiji.html.

[1846] AusAID, *AusAID Pacific Program Profiles 2003-2004- Fiji*, 13. See also AusAID, *Australia's $20 Million Boost for Education in Fiji,* AusAID, July 4, 2003; available from http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=5506_5294_8923_1756_6298.

[1847] NZAID, *Fiji Overview*.

[1848] Save the Children, *Save the Children Fiji,* Save the Children, Southeast, East Asia, and Pacific Region, [cited July 7, 2005]; available from http://www.seapa.net/external/members/sc-fiji.htm. See also Save the Children, *What We Do and Why: Fiji,* New Zealand, December 15, 2003 [cited July 7, 2005]; available from http://www.savethechildren.org.nz/new_zealand/what_we_do/our_projects/fiji.html.

Gabon

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 3/28/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Child Trafficking)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Gabon are unavailable.[1849] Children are trafficked into the country from Benin, Guinea, Nigeria, and Togo, mostly to work in Libreville.[1850] Trafficked boys are subjected to forced labor in small workshops and as street vendors.[1851] Children from Benin and Togo, particularly girls, are found working as domestic servants and in the informal commercial sector, including in roadside restaurants and market vending.[1852] There are reports of children who are trafficked to Gabon for domestic labor and are then sexually abused and exploited in prostitution when they escape from their employers.[1853] Nigerian children are found working as mechanics. In general, trafficked children worked long hours for no pay and were subject to physical abuse.[1854] Children who are purchased in Benin, Togo and Mali may be sold to commercial farms in Gabon and Côte d'Ivoire.[1855]

[1849] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1850] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[1851] Ibid.

[1852] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Gabon*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41604.htm. See also U.S. Department of State, *Trafficking in Persons Report*.

[1853] ECPAT International, *Gabon,* in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=61&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also Integrated Regional Information Networks, "GABON: Laws fail to curb child trafficking racket", IRINnews.org, [online], February 4, 2005 [cited June 9, 2005]; available from http://irinnews.org/print.asp?ReportID=45400.

[1854] U.S. Department of State, *Country Reports- 2004: Gabon*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*.

[1855] UN Wire, *Ship Carrying 250 Children Forced to Return to Benin,* United Nations Foundation, [online] April 13, 2001 [cited June 29, 2005]; available from http://www.unwire.org/unwire/20010413/14230_story.asp.

Education is compulsory for children ages 6 to 16 years under the Education Act,[1856] but prohibitive costs for items such as books, uniforms, and school supplies prevent many from attending school.[1857] The government has used oil revenue for school construction, paying teachers' salaries, and promoting education, including in rural areas. However, maintenance of school structures, as well as teachers' salaries, has been declining.[1858] In 2002, the gross primary enrollment rate was 132 percent, and, in 2000, the most recent year for which data are available, the net primary enrollment rate was 78 percent.[1859] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Gabon.[1860] As of 2001, 69 percent of children who started primary school were likely to reach grade 5.[1861] Problems in the education system include poor management and planning, lack of oversight, a shortage of teaching material, poorly qualified teachers, overcrowded classrooms, and a curriculum that is not always relevant to students' needs.[1862]

Child Labor Laws and Enforcement

The Labor Code prohibits children below 16 years from working without the consent of the Ministries of Labor, Education, and Public Health. Children between 14 and 16 years may work as apprentices with permission from the Ministry of National Education.[1863] The employment of children in jobs that are unsuitable for them due to their age, state, or condition, or that interfere with their education is also prohibited. According to Decree No. 31/PR/MTEFP of January 8, 2002, children under 16 years who have been removed from exploitative labor must be placed in appropriate reception or transit centers, and trafficked children must be repatriated to their country of origin at the expense of their

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[1856] United Nations, *Gabon Presents Initial Report to Committee on Rights of Child*, press release, January 17, 2002; available from http://www.unhchr.ch/huricane/huricane.nsf/view01/537A47397C7C5527C1256B4500378EC9. See also U.S. Department of State, *Country Reports- 2004: Gabon*, Section 5.

[1857] U.S. Department of State, *Country Reports- 2004: Gabon*, Section 5.

[1858] Ibid.

[1859] UNESCO Institute for Statistics, http://stat.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[1860] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[1861] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[1862] In the capital city, Libreville, classes average 100 students in size, and rural classes average about 40 students. Many rural schools are poorly built and lack furniture and educational material. Sixteen percent of school children have only one teacher for all six primary years, and some schools have no teacher at all. See UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996, Addendum: Gabon*, CRC/C/41/Add.10, prepared by Government of Gabon, pursuant to Article 44 of the Convention on the Rights of the Child, July 13, 2001, paras. 216, 217.

[1863] Government of Gabon, *Code du travail*, Loi no 3/94, (November 21, 1994), Articles 82, 177; available from http://natlex.ilo.org/txt/F94GAB01.htm.

employer or guardian.[1864] Children under 18 years are prohibited from working at night in industrial establishments, except in family enterprises.[1865] The minimum age for voluntary recruitment into the military is 20 years.[1866]

Although there is no law specifically prohibiting the worst forms of child labor in Gabon, there are statutes under which the worst forms can be prosecuted. The Labor Code imposes fines and prison sentences for violations of minimum age laws.[1867] Forced labor is forbidden by the Labor Code.[1868] The Penal Code prohibits procurement of a minor for the purpose of prostitution, which is punishable by imprisonment for 2 to 5 years and a fine of 100,000 to 2,000,000 CFA francs (approximately USD 184 to 3,683).[1869] Since 1999, the Government of Gabon has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1870]

In September 2004, the Government of Gabon passed comprehensive legislation to prevent and combat child trafficking in Gabon.[1871] The law outlines measures to protect children under 18 years from trafficking and stipulates fines of CFA 10 million to 20 million CFA francs (approximately USD 18,414 to USD 36,828) and imprisonment of 5 to 15 years for perpetrators. An inter-ministerial council housed within the ministry responsible for human rights is charged with enforcement of the law.[1872] Following passage of the law, 26 alleged child traffickers were arrested in January and March 2005, representing the country's first trafficking arrests. The intercepted children, from Benin, Ghana, Niger, Nigeria, and Togo, were placed in resettlement centers.[1873] The Penal Code also prohibits child trafficking, along with forced labor, slavery, abduction, and pimping.[1874] The National Police and Gendarmes enforce strict passport and visa

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[1864] Ibid., Article 6. See also ILO, *The effective abolition of child labour*, 2003, 72; available from http://www.ilo.org/public/english/standards/decl/download/review03/childlabour.pdf.
[1865] Children over 16 years can work in certain industries that, by their nature, must be continued at night. See *Code du travail*, Articles 167, 168.
[1866] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=774.
[1867] U.S. Department of State, *Country Reports- 2004: Gabon*, Section 6d.
[1868] *Code du travail*, Article 4.
[1869] Government of Gabon, *Penal Code*, Articles 260, 261; available from http://209.190.246.239/protectionproject/statutesPDF/GabonF.pdf. Currency conversion at FX Converter, [online] [cited June 29, 2005]; available from http://www.oanda.com/convert/classic.
[1870] ILO-IPEC, email communication to USDOL official, November 14, 2005.
[1871] Government of Gabon, *Loi n° 9/2004 du 21 septembre 2004 relative à la prévention et à la lutte contre le trafic des enfants en République gabonaise*, (September 21, 2004).
[1872] Ibid., Articles 5, 6, 10, 20. See also U.S. Department of State, *Trafficking in Persons Report*. Currency conversion at FX Converter.
[1873] U.S. Department of State, *Trafficking in Persons Report*. See also ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA), TPR*, technical progress report, Geneva, March 1, 2005, 3. See also Integrated Regional Information Networks, "GABON: Laws fail to curb child trafficking racket."
[1874] CEACR, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001)*, Geneva, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See also U.S. Department of State, *Trafficking in Persons Report*.

requirements at the airport so that children without proper documentation may not enter the country,[1875] but many trafficking victims are transported to Gabon by boat or over land.[1876]

Minimum age laws were strictly enforced in urban areas for the protection of Gabonese children, but rarely were in rural areas.[1877] Although the Labor Code is intended to cover all children, abuses involving foreign-born children were rarely reported.[1878] The Ministry of Justice is responsible for the enforcement of child labor laws, while the Ministry of Labor is charged with receiving, investigating, and addressing child labor complaints. However, the U.S. Department of State reported that the number of labor inspectors was inadequate, complaints were not routinely investigated, and violations were not effectively addressed.[1879]

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

The government has undertaken several measures to raise awareness of trafficking issues and the new anti-trafficking law, including the organization of town hall meetings by the Ministry of Justice, extensive coverage of trafficking stories by the government-controlled media, and placement of anti-trafficking posters in government-run schools and other public venues by the Ministry of Education and UNICEF.[1880] The government has also established a National Programme of Action to combat child trafficking and a National Plan to Fight against Child Labor.[1881]

The Government of Gabon participates in a regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[1882] UNICEF has worked to raise awareness on child trafficking through workshops and seminars, radio and television messages, and posters.[1883] The government, in collaboration with UNICEF, operates a toll-free hotline for child trafficking victims. The call center provides trafficking victims with free transportation to a shelter. The government also funds and operates a shelter for trafficking victims that provides

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[1875] U.S. Department of State, *Trafficking in Persons Report*.
[1876] ILO-IPEC, LUTRENA, National & Cross-Border Trafficking Routes in West and Central Africa, 4th ed., March 2005, (map). See also Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, 15 no. 8(A), April 2003, 19-20.
[1877] U.S. Department of State, *Country Reports- 2004: Gabon*, Section 6d.
[1878] Ibid.
[1879] Ibid.
[1880] U.S. Department of State, *Trafficking in Persons Report*.
[1881] ILO-IPEC, *LUTRENA, March 2005 technical progress report*, 3. See also ECPAT International, *Gabon*.
[1882] The regional child trafficking project covers Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA), Project Summary*, 2004.
[1883] UNICEF, *At a glance: Gabon,* in UNICEF, [online] [cited June 29, 2005]; available from http://www.unicef.org/infobycountry/gabon.html.

educational, medical and psychological services,[1884] and has created a regional law enforcement hub to share information on trafficking in persons.[1885] The government has an inter-ministerial committee to combat trafficking in persons, but reports indicate that the committee's progress has stalled.[1886]

The government has adopted a National Plan of Action for Education for All to improve access and quality of education, and a subsequent plan to reduce repetition rates, particularly among girls.[1887]

[1884] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Gabon*, Section 5.
[1885] The government has allocated office space, furniture, and staff for the operation of the hub. See U.S. Department of State, *Trafficking in Persons Report*.
[1886] Ibid. See also U.S. Department of State, *Country Reports- 2004: Gabon*, Section 5.
[1887] UNICEF, *At a glance: Gabon*. See also République Gabonaise, *Plan d'Action National: Education Pour Tous*, Libreville, November 2002, 41; available from http://portal.unesco.org/education/en/file_download.php/48c38af334423915b665b87385315c63GabonEPT.doc.

The Gambia

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 9/4/2000	
Ratified Convention 182 7/3/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

An estimated 24.8 percent of children ages 5 to 14 were counted as working in The Gambia in 2000. Approximately 25.2 percent of all boys 5 to 14 were working compared to 24.5 percent of girls in the same age group.[1888] Most children working in rural areas can be found assisting in the home and on family farms.[1889] In urban areas, children work as street vendors or taxi and bus assistants.[1890] Children also work in carpentry, sewing, masonry, plumbing, tailoring, mechanics,[1891] and begging.[1892]

Children are victims of prostitution in The Gambia. They work in bars, hotels, and brothels, often with the knowledge of business owners and managers.[1893] The Gambia is a source, transit, and destination country for the trafficking of women and children.[1894] The number of trafficking victims is small, but growing.[1895] The problem is most acute in the sex tourism industry, where adults coerce young children, especially girls, with

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[1888] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[1889] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: The Gambia*, Washington, D.C., February 25, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/27729.htm. Many girls in rural areas leave school for work; some migrating to urban areas to seek domestic or other employment. See UNICEF, *Country Profile: UNICEF in The Gambia, Programme Cycle: 1999-2003*; available from http://www.ungambia.gm/unicef/profile.html.

[1890] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 6d.

[1891] U.S. Embassy- Banjul, *reporting*, October 15, 2002.

[1892] U.S. Department of State, *Country Reports- 2004: The Gambia*, Sections 5, 6d.

[1893] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: The Gambia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.

[1894] Ibid. Children are trafficked regionally (mainly from Senegal, Sierra Leone, Liberia, Ghana, and Nigeria) and internally (from rural to urban areas) for forced work, which includes exploitation, begging, street vending, and domestic servitude. Vulnerable girls are often led to a life of prostitution and trafficked to Europe. Government of The Gambia UNICEF, *Study on the Sexual Abuse and Exploitation of Children in the Gambia*, 2003, pp. 39, 49; available from http://www.unicef.org/media/files/gambia_report.doc.

[1895] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5. Sexual abuse increases with rising poverty. Integrated Regional Information Networks, "GAMBIA: Rising poverty breeds sexual exploitation of children by Sugar Daddies", IRINnews.org, [online], May 6, 2004 [cited January 12, 2006]; available from http://www.irinnews.org/print.asp?ReportID=40937.

gifts and promises of a better or more Western lifestyle.[1896] In January 2005, UNICEF and the Government of The Gambia reported that the majority of prostitutes in tourist areas were underage.[1897]

The Constitution mandates free and compulsory primary education up to age 8.[1898] However, The Gambia's lack of resources and educational infrastructure has made implementation difficult.[1899] Many families cannot afford school fees or tuition that are imposed on children above age 8,[1900] and girls generally have less access to education.[1901] Working children are also less likely to attend school and more likely to drop out.[1902] In 2002, the gross primary enrollment rate was 85 percent, and the net primary enrollment rate was 79 percent.[1903] Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 2000, 57.8 percent of children ages 5 to 14 years were attending school.[1904]

Child Labor Laws and Enforcement

The Gambia's statutory minimum age for employment is 14 years.[1905] The legal framework governing child labor is limited, and there are no laws that restrict the sectors in which children can work.[1906] The Constitution protects all citizens from forced

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[1896] UNICEF, *Child Sex Tourism and Exploitation Increasing in The Gambia*, Press Release, UNICEF, May 5 2004; available from http://www.unicef.org/media/media_20825.html.
[1897] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5. Sex tourism exploits street children, school dropouts, and children from low income families. ECPAT International, *Gambia,* in ECPAT International, [database online] [cited January 12, 2006]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.
[1898] *Constitution of the Gambia*, (1997), Section 30; available from http://www.childlaborlaws.org/docs/866.shtml. See also U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5.
[1899] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5. See also UNICEF and Government of the Gambia, *Programme of Cooperation 1999-2003*; available from http://www.ungambia.gm/unicef/pdf/mpopart2.pdf.
[1900] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 6.
[1901] International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Gambia: Report for the WTO General Council Review of the Trade Policies of Gambia*, February 4, 2004; available from http://www.icftu.org/www/pdf/gambiacls2004.pdf. Enrollment of girls remains low in rural areas where cultural factors and poverty discourage parents from sending them to school. See also U.S. Department of State, *Trafficking in Persons Report- 2005: The Gambia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm. See also U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5.
[1902] Government of The Gambia in collaboration with UNICEF, *The Gambia Multiple Indicator Cluster Survey Report*, New York, 2000; available from http://www.childinfo.org/MICS2/newreports/gambia/gambia.htm.
[1903] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[1904] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[1905] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 6d.
[1906] U.S. Embassy- Banjul, *reporting,* October 15, 2002.

labor,[1907] and all children under age 16 from economic exploitation and hazardous work.[1908] The Constitution also outlaws discrimination[1909] but allows unequal treatment in the workplace with regard to adoption, marriage, divorce, and inheritance, which threatens children, especially girls, born out of wedlock or with disabilities.[1910] The Children and Young Persons Act (CYPA) calls for the protection of orphaned, homeless, and at-risk children from neglect, abuse, abandonment, slavery, child bondage, destitution, and prostitution.[1911]

The Criminal Code prohibits prostitution,[1912] kidnapping, abduction, child sex tourism, child sexual exploitation,[1913] child abuse, and child neglect.[1914] The 2003 Tourism Offenses Act punishes tourists found guilty of involvement in child prostitution, trafficking, and pornography.[1915] Draft anti-trafficking legislation is still pending.[1916]

There is no conscription in The Gambia.[1917] The Armed Forces Act enables children under the age of 18 to enlist, but they may not begin military service until they reach 18.[1918]

According to the U.S. Department of State, The Gambia's Department of Labor does not consistently enforce labor laws because of inadequately trained staff.[1919] The department, which is responsible for implementing the provisions of ILO Convention 182, requires workers to register with the Labor Commissioner and distributes labor cards to eligible

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[1907] *Constitution of the Gambia*, Section 20.
[1908] Ibid., Section 29.
[1909] Ibid., Section 33.
[1910] Ibid., Section 33(5). See also United Nations Convention on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Gambia*, CRC/C/15Add.165, Geneva, Switzerland, November 11, 2001; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7cc49e32d664bc49c1256aea002fae9c?Opendocument.
[1911] The law only applies to the City of Banjul and the Division of Kombo Saint Mary.
[1912] Specifically, the Code penalizes procurement of a girl under 21 years of age for the purposes of prostitution, both within the Gambia and outside of the country. International Labor Organization LABORSTA, http://laborsta.ilo.org (Total and Economically Active Population by age group, accessed January 30, 2006). See also U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5.
[1913] U.S. Department of State, *Trafficking in Persons Report- 2005: The Gambia*.
[1914] LABORSTA, (Total and Economically Active Population by age group, accessed January 30, 2006). See also Government of The Gambia, *Criminal Code,* as cited in The Protection Project Legal Library, [database online] 1964; available from http://209.190.246.239/protectionproject/statutesPDF/GambiaF.pdf.
[1915] Government of The Gambia, *Criminal Code, 1964*. See also U.S. Department of State, *Country Reports- 2004: The Gambia*.
[1916] The National Assembly's Head of State speech in March 2005 noted the pending status of a Children's Bill that would outlaw trafficking of children. U.S. Department of State, *Trafficking in Persons Report- 2005: The Gambia*, p. 109.
[1917] Central Intelligence Agency, *The World Factbook,* CIA, [online] January 10, 2006 [cited January 30, 2006]; available from http://www.cia.gov/cia/publications/factbook/geos/ga.html.
[1918] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from http://www.child-soldiers.org/resources/global-reports.
[1919] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 6d. Workers who refuse to work in hazardous conditions may lose their jobs without recourse. Unions, *Internationally Recognized Core Labour Standards*, pp. 4-5.

employees who satisfy the minimum age for employment.[1920] However, child labor laws are rarely enforced and inspections rarely conducted.[1921] In addition, the government does not comprehensively prohibit trafficking in persons.[1922] The government also provides no victim protection in law or practice and has no strategy for collecting trafficking data.[1923]

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

The government provides more funds to the Department of Education (DOE) and the Department of Health and Social Welfare (DHSW), which administer sponsorship schemes for children in need of special protection, than to any other agencies.[1924] Nonetheless, the country's lack of resources limits the functions of the DOE and the DHSW.[1925]

To combat trafficking, the DHSW partners with five European countries to screen Gambian children under age 17 who apply for travel visas to Europe.[1926] In 2004, multiple government agencies and NGOs combined efforts to develop a Trafficking Taskforce on Trafficking in Persons.[1927] With support from the government, the IOM supports a regional Health Assessment Program that provides medical and monitoring support for trafficking victims.[1928] The government has not established victim care and health facilities for trafficking victims, but does provide temporary shelters with access to medical and psychological services.[1929]

The government operates a nationwide education initiative to increase the gross enrollment rate, to improve educational opportunities for girls,[1930] to strengthen basic

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[1920] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 6d.
[1921] Ibid. See also Unions, *Internationally Recognized Core Labour Standards*, p. 5.
[1922] U.S. Department of State, *Trafficking in Persons Report- 2005: The Gambia*. See also U.S. Department of State, *Country Reports- 2004: The Gambia*.
[1923] U.S. Department of State, *Trafficking in Persons Report- 2005: The Gambia*.
[1924] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5. United Nations Convention on the Rights of the Child, *Initial Reports of States Parties due in 1992: Gambia*, CRC/C/3/Add.61, Geneva, Switzerland, September 28, 2000, para. 194.
[1925] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5.
[1926] European partners are Denmark, Germany, Belgium, Sweden and Norway. ECPAT International, *Gambia*.
[1927] U.S. Department of State, *Country Reports- 2004: The Gambia*, Section 5.
[1928] Ibid.
[1929] Ibid.
[1930] One program is the Scholarship Trust Fund, which covers the costs of tuition, textbooks, and examination fees for girls at all levels of education. See *Initiatives in Girls Education: The Scholarship Trust Fund,* Secretary of State for Education, [online] [cited January 30, 2006]; available from http://www.edugambia.gm/Directorates/Current_Projects/Girls_Education/body_girls_education.html. The program includes girls attending private schools. See also U.S. Embassy- Banjul, *reporting*, August, 2003. The DOE cannot fund the entire program, but works with various partners for financial support.

education curricula, and to improve teacher training.[1931] The World Bank and the African Development Bank fund projects to combat poverty and improve the health and education of children.[1932] NGOs and the DOE run various education initiatives.[1933] The President directs an Empowerment of Girls Education project in Banjul and the West and North Bank regions.[1934]

[1931] The initiative lasts through 2005, extending a program that began in 1988. *Scholarship Trust Fund*, pp. 107-108. See also World Bank, *Education and Health in Sub-Saharan Africa: A Review of Sector-Wide Approaches*, The Gambia Education Case Study, January 2001, p. 96.

[1932] The projects conclude on June 30, 2005. The World Bank, *Projects and Programs, Active Projects*, Washington, DC, January 2006 2005; available from http://web.worldbank.org/external/default/main?menuPK=351670&pagePK=141155&piPK=141124&theSitePK=351626. See also Child, *Concluding Observations on the Committee on the Rights of the Child*.

[1933] Some initiatives include the Education Management Information System for implementing education policy; the Remedial Initiative for Female Teachers for training women teachers; and the Computer Technology and Literary Program for computer-skills instruction in secondary schools. The Gambia Department of State for Education, *Current Projects,* The Gambia Department of State for Education, n.d. [cited January 30, 2006]; available from http://www.edugambia.gm/Directorates/Current_Projects/current_projects.html. The U.S. Department of Agriculture works with the Government as part of a global effort to provide meals for school children. U.S. Embassy- Banjul, *reporting,* August 2003.

[1934] The U.S. Embassy in Banjul contributes funds to this project through the Education for Development and Democracy Initiative Ambassador's Girls Scholarship Fund. See U.S. Embassy- Banjul, *reporting,* August 2003.

Georgia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	09/23/1996	
Ratified Convention 182	7/24/2002	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

Incidence and Nature of Child Labor

An estimated 21.5 percent of children ages 7 to 17 were counted as working in Georgia in 2000.[1935] Most working children reside in rural areas in Georgia (77.3 percent) and work on a family farm (77.4 percent) or in a family enterprise (18.4 percent).[1936] According to the Ministry of Education, there are more than 1,200 street children in the capital city of Tbilisi. Although they are usually not counted in labor surveys, these children primarily beg or peddle small items and some are involved in prostitution.[1937] Violence against street children was reported.[1938] The government took little action to assist street children. There were unconfirmed reports of police violence against street children, but the patrol police routinely transferred street children to a 24-hour care center or orphanage.[1939] [1940] Children work nights at filling stations or selling flowers or other small items in bars or restaurants.[1941] Prostitution of both boys and girls occurs, and while no data exist on the scale of the use of children in pornography, the government reports that the chances it exists are high.[1942] In the region of Abkhazia which is outside the control of the central government, the Abkhaz de facto authorities forcefully conscripted into the army more than 50 young male ethnic Georgians living in the Abkhazia's Gali region, some of whom were reportedly as young as 16.[1943] Child labor is one of many problems associated with poverty. In 2001, 2.7 percent of the population in Georgia were living on less than USD 1 a day.[1944]

[1935] ILO, Child Labour in Georgia, January 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[1936] This figure refers to children 7 to 17 years of age. Source ILO, *Child Labour in Georgia*, January 2004.

[1937] U.S. Department of State official, email communication to USDOL official, August 8, 2006.

[1938] U.S. Department of State, *Country Reports- 2005 Georgia*.

[1939] U.S. Department of State official, email communication to USDOL official, August 8, 2006.

[1940] U.S. Department of State, *Country Reports- 2004: Georgia*.

[1941] Government of Georgia, *National Plan of Action for Children 2003-2007 [Draft-English Edition]*, 38.

[1942] Ibid., 41. See also U.S. Department of State, *Country Reports- 200: Georgia*, Section 5., which suggests that incidents of sexual exploitation were reported, especially among girls.

[1943] U.S. Department of State official, email communication to USDOL official, August 8, 2006.

[1944] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

Georgia is both a source and transit state for child trafficking, and street children are particularly vulnerable to trafficking.[1945] NGO reports indicate that women and children are primarily trafficked from Georgia to Greece, Turkey, the United States, Spain and France. In addition, women and children are trafficked through Georgia from Russia, Ukraine, and other former Soviet states to Turkey and other Mediterranean countries. Armenian women and children are trafficked through Georgia to United Arab Emirates (UAE) and Turkey and Uzbek women to the UAE.[1946]

According to statistics published by the Institute of Legal Reforms of Georgia, in 2003, the most recent year for which such data are available, there were 1,945 registered crimes committed by children, the majority of which were related to the selling, smuggling, and illegal distribution of drugs.[1947] Organized crime is a source of the drug trade and the trafficking of women and children.[1948]

Education is mandatory and free for children ages 6 or 7 to age 14.[1949] In 2002, the gross primary enrollment rate was 90 percent and the net primary enrollment rate was 89 percent.[1950] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Although education is free, due to limited and declining public expenditures on education, an informal system of payments exists which requires some parents to purchase textbooks and school supplies, and provide payments for tuition or teachers' salaries.[1951] Parents' inability or unwillingness to pay these fees has resulted in children being forced to drop out of school,[1952] which leaves some children vulnerable to exploitation of the worst forms of child labor.

Child Labor Laws and Enforcement

Article 167 of the Labor Code sets the minimum age for employment in Georgia at 16 years. Students in secondary, vocational, or special training schools are permitted to work from age 14, with the permission of a parent or guardian, so long as the work is not

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[1945] Government of Georgia, *National Plan of Action for Children 2003-2007 [Draft-English Edition]*, 42. See also U.S. Department of State, *Country Reports- 200: Georgia*, Section 5. See also U.N. Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, CRC/C/15/Add.222*, para. 64.
[1946] The Protection Project, *Georgia,* [online] n.d. [cited September 30, 2005]; available from http://www.protectionproject.org/report/georgia.doc.
[1947] Institute of Legal Reforms of Georgia, *Statistics of Crime Registered in Georgia during 12 Months in 2003,* [online] October 07, 2005 [cited June 29, 2005]; available from http://ilr.iatp.ge/Criminal%20Statistics/index.html.
[1948] Georgi Glonti, *Problems Associated with Organized Crime in Georgia*, Institute of Legal Reforms of Georgia, Tbilisi; available from http://ilr.iatp.ge/Publications/Publications.html.
[1949] U.S. Department of State, *Country Reports- 200: Georgia*, Section 5.
[1950] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005).
[1951] U.S. Department of State, *Country Reports- 200: Georgia*, Section 5. See also U.N. Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, CRC/C/15/Add.222*, para. 56.
[1952] Ibid.

damaging to the child's health or education. In general, children under 18 years of age are prohibited from work that involves heavy lifting or is harmful or dangerous, including underground work and work at night. Children ages 15 and over are restricted to working 24 or 36 hours per week depending on their age. Children are also restricted from selling alcohol, tobacco, and pornography, and working in bars, nightclubs, and gambling facilities. Children are also prohibited from working in hazardous industries such as mechanical engineering, metallurgy, welding, and the production of construction materials. [1953] The Ministry of Health, Social Service, and Labor is responsible for enforcing laws regulating child labor. The Labor Inspection Department within the Ministry, which had been the only mechanism for monitoring enforcement of the minimum age requirement, was dissolved in 2005. According to the U.S. Department of State, the actual enforcement of these laws is inconsistent.[1954]

There are different statutes under which the worst forms of child labor can be prosecuted in Georgia. The law prohibits forced labor, including by children.[1955] Article 171 of the Georgian Penal Code includes penalties of imprisonment for up to 3 years for encouraging minors to engage in prostitution. Article 143 prohibits trafficking of persons and minors, and article 172 prohibits trafficking of minors for exploitation. Trafficking of children is punishable by imprisonment of 8 to 20 years or life imprisonment depending on the circumstances.[1956] In 2005 investigations were initiated into 26 criminal cases of Trafficking. Ten cases were brought to trial. So far, a guilty verdict has been returned in two criminal cases against six persons. Two cases returned not guilty verdicts while six criminal cases remain, involving seven defendants who are still at large.[1957]

The compulsory age of recruitment into the military is 18 years. However, many high schools have military departments that are integrated into the country's armed forces and include national curriculum for children age 14 to 17 in "military preparedness," including weapons training.[1958] Since 1999, the Government of Georgia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[1959]

[1953] Government of Georgia, Ministry of Labor, Healthcare, and Social Affairs, *Information on Child Labor Protection in Georgia*, Tbilisi, February 2, 2005.
[1954] U.S. Department of State official, email communication to USDOL official, August 8, 2006.
[1955] U.S. Department of State, *Country Reports- 200: Georgia*, Section 6c.
[1956] Institute of Legal Reforms of Georgia, *Changes to the Criminal Code of Georgia which Criminilize Trafficking in Persons*, Tbilisi, 2003; available from http://ilr.iatp.ge/Legislation%20of%20Georgia/legislation%202.html.
[1957] U.S. Department of State official, email communication to USDOL official, August 8, 2006.
[1958] Coalition to Stop the Use of Child Soldiers, "Georgia," in *Child Soldiers Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=901.
[1959] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

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

In August 2003, a National Plan of Action for Children (2003-2007) was approved that identified goals and implementation strategies regarding street children, child labor, and child sexual exploitation.[1960] Implementation of this plan has been delayed due to the change in government. The action plan has been reviewed, but currently no concrete actions have been taken to implement the plan.[1961] The government has provided, through the Center for the Rehabilitation of Minors, medical and psychological support to children exploited in prostitution. In addition, the Ministry of Education and the private voluntary organization, Child and Environment, operate two shelters to assist street children; however, this was only in the capital city of Tbilisi and did not meet the demand in that city alone.[1962]

The Government of Georgia outlined in June 2003 the Economic Development and Poverty Reduction Program (EDPRP) and in August 2003 the government established the Governmental Commission for Elaboration of the Report on the Realization of the Millennium Development Goals to be headed by the State Minister. The Millennium Development Goals for Georgia and the EDPRP address the issue of worst forms of child labor indirectly through interventions aimed at improving the educational system and reducing poverty.[1963]

The government approved a National Action Plan that established an ad hoc Interagency Commission against Trafficking and appointed a primary point of contact.[1964] The government has also established a policy for protecting the identity of victims of trafficking and has provided formal trafficking awareness and sensitivity training to all new police officers.[1965]

The Government of Georgia is a member of the Black Sea Economic Cooperation (BSEC) and cooperates with other members to combat organized crime, including criminal activities concerning trafficking in human beings and the sexual exploitation of women and children.[1966] In December 2004, the BSEC states signed a joint declaration on combating trafficking in human beings.[1967]

[1960] Government of Georgia, *National Plan of Action for Children 2003-2007 [Draft-English Edition]*.
[1961] UNICEF Georgia official, email communication to USDOL official, June 28, 2005.
[1962] U.S. Department of State, *Country Reports- 2004: Georgia*.
[1963] Government of Georgia, *Economic Development and Poverty Reduction Programme of Georgia*, Tbilisi, June, 2003; available from http://www.psigeorgia.org/pregp/files/EDPRP%20_ENG_%20FINAL.pdf. Government of Georgia, *Millennium Development Goals in Georgia*, Tbilisi, 2004, 10; available from http://www.undp.org.ge/news/Georgiamdg.pdf.
[1964] U.S. Department of State, *Trafficking in Persons Report- 2005: Georgia*. See also U.S. Department of State, *Country Reports- 2004: Georgia*.
[1965] U.S. Department of State, *Trafficking in Persons Report- 2005: Georgia*.
[1966] Georgia is a signatory to the *Agreement Among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in Combating Crime, In Particular in its Organized Forms*. Participating states include the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of

The Government of Georgia is receiving funding (USD 25.9 million) from the World Bank for the first phase of a 12-year program that will develop a national curriculum for primary and secondary education, train teachers and principals, and provide basic learning materials through 2006.[1968] The International Monetary Fund approved a 3-year, USD 144 million program to support the government's economic development efforts as outlined in their poverty reduction strategy paper.[1969] Similarly, USAID funds a number of programs in the areas of economic development; democracy and government; social development and health; and special initiatives including anti-trafficking programs.[1970]

UNICEF is providing educational and recreational supplies and teacher training in psychosocial support and counseling to social workers in the conflict-ridden areas of Abkhazia and South Ossetia.[1971] UNICEF is also assisting a local NGO providing psychological rehabilitation and integration services to street children.[1972]

Moldova, Romania, the Russian Federation, the Republic of Turkey, and Ukraine. See Black Sea Economic Cooperation, *Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation if Combating Crime, in Particular in its Organized Forms*, October 2, 1998; available from http://www.bsec-organization.org/temp/charter_.htm.

[1967] Black Sea Economic Cooperation, *Joint Declaration of the Ministers of Interior/Public Order of the Member States of the Organization of the Black Sea Economic Cooperation (BSEC) on Combating Trafficking in Human Beings*, Athens, December 3, 2004; available from http://www.bsec-organization.org/temp/charter_.htm.

[1968] The World Bank, *Project Appraisal Document on the First Phase of the Proposed Adaptable Program Credit in the Amount of SDR 19.9 Million to Georgia for an Educational System Realignment and Strengthening Program*, 20952-GE, The World Bank, Washington, D.C., February 22, 2001; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/03/27/000094946_01030705343241/Rendered/PDF/multi0page.pdf.

[1969] International Monetary Fund, *IMF Approves US$144 Million PRGF Arrangement for Georgia*, Press Release No. 04/107, June 4, 2004; available from http://ww.imf.org/external/np/sec/pr/2004/pr04107.htm.

[1970] USAID, *Georgia: The Development Challenge,* January 14, 2005 [cited June 23, 2005]; available from http://www.usaid.gov/policy/budget/cbj2005/ee/ge.html.

[1971] UNICEF, *UNICEF Humanitarian Action Report 2005*, Central and Eastern Europe, The Commonwealth of Independent States and the Baltic States, New York, 2005; available from http://www.unicef.org/emerg/index_HAR.html.

[1972] Assistance Georgia, *Street Children in Tbilisi,* [online] n.d. [cited October 12, 2005]; available from http://www.assistancegeorgia.org.ge/Content/Projects.aspx?ProjID=9807f8b7-9bce-4171-9883-381986815a00&ProjInd=0.

Ghana

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 6/13/00	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	

Incidence and Nature of Child Labor

An estimated 24.2 percent of children ages 5 to 14 years were counted as working in Ghana in 2000. Approximately 24.5 percent of all boys 5 to 14 were working compared to 24 percent of girls in the same age group. The majority of working children were found in the agricultural sector (71 percent), followed by services (22.6 percent), manufacturing (5.8 percent), and other sectors (0.6 percent).[1973] In rural areas, children can be found working in fishing, herding, and agriculture.[1974] The fishing industry on Lake Volta employs many children in potentially hazardous work such as deep diving[1975] and casting and drawing nets.[1976] In urban centers, street children work mainly as truck pushers, porters, and sales workers.[1977] Children also work as domestic servants, miners, quarry workers, hawkers, and fare collectors.[1978]

Some children are involved in *Trokosi,* a religious practice indigenous to the southern Volta region, which involves pledging children and young women to atone for family members' sins[1979] by helping with the upkeep of religious shrines and pouring libations during prayers.[1980] As of early 2005, the most recent data that are available, it was estimated that there were fewer than 50 individuals serving in *Trokosi* shrines.[1981] *Trokosis* live near shrines, often with extended family members, during their period of service, which lasts from a few months to three years.[1982] A *Trokosi* is expressly

[1973] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.
[1974] Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco Growing Sector in Africa*, 2000; available from http://www.fafo.no/pub/rapp/654/654.pdf.
[1975] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Ghana*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41606.htm.
[1976] Afrol News, "Progress in Freeing Ghanaian Slave Boys", afrol News.com, [online], March 5, 2003 [cited June 27, 2005]; available from http://www.afrol.com/News2003/gha008_labour.htm.
[1977] Ghana Statistical Service, *Ghana Child Labour Survey*, March, 2003; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ghana/report/gh_rep.pdf.
[1978] U.S. Department of State, *Country Reports- 2004: Ghana*, Section 6d.
[1979] Ibid., Sections 5 and 6d. *Trokosis* are most often young girls. See U.S. Embassy- Accra official, interview with USDOL official, July 21, 2005.
[1980] U.S. Embassy- Accra official, interview, July 21, 2005.
[1981] Ibid.
[1982] U.S. Department of State, *Country Reports- 2004: Ghana*, Section 5.

forbidden to engage in sexual activity during the atonement period.[1983] Opinions differ on whether *trokosi* constitutes forced or ritual servitude, which is banned under the Penal Code.[1984] The government does not recognize *Trokosi* as a religion and government agencies, such as CHRAJ, have at times actively campaigned against it. Local officials portray *Trokosi* as a traditional practice that is not abusive, but some NGOs maintained that *Trokosis* are subject to sexual exploitation and forced labor.[1985] Organizations that support traditional African religions have said these NGOs misrepresent their beliefs and regard their campaigns against *Trokosi* as religious persecution.[1986] There is no evidence of physical or sexual abuse being a systematic part of the practice, but instances of sexual abuse may occur.[1987] Multiple investigations by foreign embassy representatives have turned up no credible evidence of systematic or widespread abuses.[1988]

Ghana is a source, transit, and destination country for trafficked children.[1989] Children are trafficked for exploitation in labor and domestic service to Cote d'Ivoire, Togo, The Gambia, and Nigeria.[1990] Ghanaian girls are trafficked to the Middle East for forced labor as domestic servants and there are isolated cases of girls being trafficked to Western Europe for purposes of commercial sexual exploitation.[1991] There continue to be reports of children being given away, leased, or sold by their parents to work in forced labor in the commercial sexual exploitation and fishing sectors.[1992] Within Ghana, boys are trafficked from the Northern region to Volta Lake to work in fishing villages, or to the west to work in small mines, while girls are trafficked to Accra and Kumasi to work as domestic servants, porters, and assistants to traders.[1993] Children are also trafficked within Ghana to urban areas to work as street vendors.[1994] There are reports of children being trafficked within Ghana for work on cocoa farms.[1995] Ghana is a destination

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[1983] U.S. Department of State, Country Reports- 2005: Ghana, Section 5.
[1984] ILO-IPEC, *Support for the Implementation of Time-Bound Measures for the Elimination of the Worst Forms of Child Labor in Ghana*, project document, Time-Bound Measures, project document, Geneva, September 3, 2004. See also U.S. Embassy- Accra official, interview, July 21, 2005. See the next section, "Child Labor Laws and Enforcement," for more information on this provision of the Penal Code.
[1985] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[1986] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[1987] U.S. Department of State, *Country Reports- 2005: Ghana*, Section 5.
[1988] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[1989] U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm.
[1990] Ibid. See also Integrated Regional Information Networks, *Gambia-Ghana: Sex slave children trafficked by Ghanaian fishermen*, February 26, 2004; available from http://www.irinnews.org/print.asp?ReportID=39717.
[1991] U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*. See also U.S. Department of State, *Country Reports- 2004: Ghana*, Section 6f.
[1992] U.S. Department of State, *Country Reports- 2004: Ghana*, Section 6d. See also U.S. Department of State, *Country Reports- 2005*: Ghana, Section 5.
[1993] Children were often recruited for trafficking with the consent of their parents, who were sometimes given payment or promises of payment from the recruiter, along with assurances that their children would be cared for and given an education, in some cases. See U.S. Department of State, *Country Reports- 2004: Ghana*, Section 5.
[1994] U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*.
[1995] USDOL official, interview with University of Ghana official, April 10, 2006. See also U.S. Department of State, *Trafficking in Persons Report-2005*: Ghana

country for children from Cote'd'Ivoire, Togo, Nigeria, and Benin who are trafficked for forced labor, including domestic service and sexual exploitation.[1996]

Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 44.8 percent of the population in Ghana were living on less than USD 1 a day.[1997]

Under the constitution, education is compulsory for children of primary and junior secondary age, the equivalent of grades 1 to 9.[1998] The constitutional provision of "free, compulsory, and universal basic education," means that tuition fees are paid by the government.[1999] Education is not free, however, and can be costly for poor families who must buy textbooks and uniforms.[2000] As part of the government's effort to increase access to basic education and lower school drop-out rates, the Capitation Grant program was introduced during the 2005-2006 academic year.[2001] Under this scheme, the government pays 30,000 cedis (USD 2.80) to the schools for every child enrolled. This has eliminated the need for parents to pay the extra levies that schools had previously imposed on students. In 2003, the gross primary enrollment rate was 83 percent, and the net primary enrollment rate was 59 percent.[2002] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 80 percent of children ages 5 to 14 years were attending school.[2003] As of 2001, 63 percent of children who started primary school were likely to reach grade 5.[2004] In 2001, 64.3 percent of working children attended school.[2005] Children in the poorest families, often in the economically deprived areas of the country, are engaged in domestic chores and other economic activities which hinder regular school attendance.[2006] Parents rarely face penalties if their children do not attend school.[2007]

[1996] Ibid.
[1997] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[1998] U.S. Department of State, *Country Reports- 2004: Ghana*, Section 5.
[1999] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[2000] Ibid. See also U.S. Embassy- Accra official, email communication to USDOL official, June 23, 2005.
[2001] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[2002] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[2003] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[2004] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[2005] Ghana Statistical Service, *Ghana Child Labour Survey*.
[2006] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[2007] U.S. Department of State, *Country Reports 2004: Ghana*. See also U.S.Embassy- Accra official, email communication to USDOL official, August 15, 2006.

Child Labor Laws and Enforcement

The Children's Act sets the minimum age for general employment at 15 years, and sets 13 years as the minimum age for light work.[2008] The Children's Act prohibits children under 18 from engaging in hazardous labor, including work in mines or quarries, at sea, in bars, in manufacturing that involves chemicals, in places that operate machinery, or in any job that involves carrying heavy loads.[2009] Employers who operate in the formal sector must keep a register with the ages of the young people they employ. Failing to keep this register is punishable by a fine of 10 million cedis (USD 1,111) or 2 years in prison.[2010]

The worst forms of child labor may be prosecuted under different statutes in Ghana. The Ghanaian Constitution and labor law forbid forced or bonded labor by anyone, including children.[2011] Ritual servitude is illegal in Ghana.[2012] According to the Penal Code, "Whoever sends to, or receives at any place, any person; or participates in, or is concerned in any ritual or customary activity in respect of any person, with the purpose of subjecting that person to any form of ritual or customary servitude, or any form of forced labour related to a customary ritual, commits an offence and shall be liable on conviction to imprisonment for a term not less than three years."[2013] The Penal Code also prohibits the procurement of girls and women under the age of 21 for the purpose of prostitution.[2014] In 2005, the Ghanaian government passed the Human Trafficking Act, which prohibits and provides penalties for human trafficking and establishes a Human Trafficking Fund to assist trafficking victims.[2015] Ghana also has laws against slavery, prostitution, and underage labor.[2016] The minimum age for military recruitment is 18 years, and Ghana's army is made up entirely of volunteers.[2017] Since 1999, the Government of Ghana has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2018]

[2008] Light work is defined as work that is not harmful to the health or development of a child and that does not affect the child's attendance and performance at school. The legislation allows children aged 15 years and above to work in an apprenticeship if the employer provides a safe and healthy work environment, and training. Government of Ghana, *The Children's Act, Act 560*, (1998); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/56216/65194/E98GHA01.htm.
[2009] Ibid., Section 91.
[2010] U.S. Embassy- Accra, *reporting*, October 22, 2002. For currency conversion, See FXConverter, in Oanda.com, [online] [cited June 27, 2005]; available from http://www.oanda.com/convert/classic.
[2011] U.S. Department of State, *Country Reports- 2004: Ghana*, Sections 6c and 6d.
[2012] U.S. Embassy- Accra, *reporting,* October 22, 2002.
[2013] *Government of Ghana, Penal Code, 1960, Act 29*, Section 314A (December 10, 1999).
[2014] Government of Ghana, *Penal Code,* [previously online] 1960 [cited Act 29, 107 (1) and 108 (1)]; available from http://209.190.246.239/protectionproject/statutes/PDF/GhanaF.pdf [hard copy on file].
[2015] Government of Ghana, *Human Trafficking Act, 2005*, (July 28, 2005). The Human Trafficking Act was passed on July 28, 2005. See U.S. Embassy- Accra official, email communication, June 23, 2005.
[2016] U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*.
[2017] Ghana does not have a conscription policy. Coalition to Stop the Use of Child Soldiers, "Ghana," in *Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=776.
[2018] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

The Ministry of Manpower, Development and Employment is responsible for enforcing child labor laws but, according to the U.S. Department of State, these laws are not enforced with any effectiveness or consistency in Ghana.[2019] Labor authorities carry out routine annual inspections of workplaces in the formal sector but seldom monitor the informal sector where most working children can be found.[2020] Other law enforcement authorities, including judges and police, are largely unfamiliar with child labor laws and lack the resources to enforce them.[2021]

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

The Government of Ghana, in collaboration with ILO-IPEC and international and non-governmental organizations, continued to implement the 2001-2002 National Plan of Action for the Elimination of Child Labor in Ghana.[2022] The government is collaborating with ILO-IPEC on a 4-year, USD 4.75 million USDOL-funded Timebound Program, launched in 2004, which establishes timeframes for progress on the elimination of selected worst forms of child labor in Ghana. The project aims to strengthen Ghana's legal framework against child labor, mobilize society against child labor, expand apprenticeship and skills training programs, and develop institutional and technical capacities to more effectively address child labor.[2023] The government included child labor as a problem to be addressed in the Ghana Poverty Reduction Strategy in 2003.[2024] The government also worked to develop a National Cocoa Child Labor Elimination Plan in 2005.[2025]

With the participation of several Ghanaian government ministries, ILO-IPEC also continued to implement additional programs. The Ghanaian government was involved in the ILO-IPEC West Africa Cocoa/Commercial Agriculture Program (WACAP), a USDOL-funded USD 6 million program that aimed to build institutional capacity, promote public education and mobilization, and develop a long-term child labor monitoring system.[2026] ILO-IPEC is also implementing the second phase of a USD 9.2 million regional anti-trafficking project in West and Central Africa that has activities in Ghana.[2027] Another USDOL-funded ILO-IPEC 3-year, USD 5.3 million multi-country

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[2019] U.S. Embassy- Accra, *reporting*, August 24, 2004.
[2020] Ibid.
[2021] Ibid. U.S. Department of State, *Country Reports- 2004: Ghana*, Section 6d.
[2022] U.S. Embassy- Accra, *reporting,* August 24, 2004.
[2023] ILO-IPEC, *Support for the Implementation of Time-Bound Measures for the Elimination of the Worst Forms of Child Labor in Ghana*.
[2024] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[2025] ILO-IPEC, *Support for the Implementation of Time-Bound Measures for the Elimination of the Worst Forms of Child Labor in Ghana*, technical progress report, Geneva, March, 2006. See also ILO-IPEC official, interview with USDOL official, April 12, 2006.
[2026] The WACAP project is set to end in April 2006. ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, technical progress report, Geneva, March, 2005.
[2027] ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (LUTRENA / Phase II)*, technical progress report, Geneva, September, 2005. The first phase of the LUTRENA project in Ghana was funded by USDOL, the second phase in Ghana is being funded by the

project aims to build the technical skills and organizational capacity of government, workers', and employers' organizations and to identify and disseminate child labor best practice information at the sub-regional level.[2028] Other ILO-IPEC projects active in Ghana include a regional project focusing on skills training in the urban informal sector and a nine-country study on child exploitation among displaced and refugee populations.[2029]

The Government of Ghana has a National Plan to Combat Trafficking,[2030] and various government agencies have highlighted the issue of trafficking in special events and community education campaigns.[2031] The government is also partnering with the IOM on a 21-month project to return and reintegrate children trafficked to the fishing sector in Yeji.[2032] The IOM program has rescued 544 children from fishing villages in the Volta region.[2033] The government, through the Department of Social Welfare, provided shelter for the trafficking children rescued by IOM at its rescue center in Medina on the outskirts of Accra.[2034]

Through 2015, the Government of Ghana will continue to implement the Free Compulsory Universal Basic Education program, aimed at providing basic education to all school-age children, promoting efficiency,[2035] quality, access, and participation.[2036] The government has also introduced a feeding program that was piloted in 690 schools with expansion plans should the pilot be successful.[2037]

The government cooperated with USAID in the implementation of its Education Quality for All (EQUALL) project, which focuses on increasing access to primary education, improving reading instructional systems in 1,400 schools, and improving education management systems.[2038] The World Bank and the British Department for International

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Danish International Development Agency. U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.

[2028] ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa (CBP)*, technical progress report, Geneva, September, 2005.

[2029] ILO- IPEC official, email communication to USDOL official, November 8, 2005.

[2030] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*, Washington, D.C., June 13, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[2031] U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*.

[2032] IOM, *Assisted Voluntary Return and Reintegration of Ghanaian Children Victims of Trafficking for Labour Exploitation in Yeji Fishing Communities (LEYE),* [previously online] [cited October 26, 2004]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=GH1Z005 [hard copy on file]. See U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*. See also IOM, *Press Briefing Notes: Ghana- Reunification of Trafficked Children*, press release, Washington, D.C., April 29, 2005; available from http://www.iom.int/en/news/pbn290405.shtml.

[2033] U.S. Department of State, *Trafficking in Persons Report- 2005: Ghana*.

[2034] U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.

[2035] *Ghana's Education System,* Republic of Ghana Ministry of Information, [online] n.d. [cited June 27, 2005]; available from http://www.ghana.gov.gh/studying/education/index.php. See also U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.

[2036] U.S. Embassy- Accra official, email communication, June 23, 2005.

[2037] U.S. Embassy- Accra official, email communication, August 15, 2006.

[2038] Ibid. See also U.S. Embassy- Accra official, email communication to USDOL official, August 15, 2006.

Development separately fund education projects that focus on provision of school infrastructure and institutional capacity building being implemented by the Ministry of Education, Youth, and Sports.[2039] Other Ministry of Education efforts include support for informal schools sponsored by NGOs and increased attention to students' progression to higher grades.[2040] The Ghana Education Service is implementing activities under its Five-Year Action Plan for Girls' Education in Ghana 2003-2008, including science and mathematics clinics around the country, scholarships for girls, incentives to attract female teachers to rural areas, and awareness-raising activities.[2041] The Government of Ghana is currently receiving support from the Education for All Fast Track Initiative to achieve its goal of implementing universal quality primary education by 2015.[2042]

[2039] This five-year, USD 88 million project invests most heavily in the primary education sector and will last through 2009. World Bank Projects Database, http://www.worldbank.org (Education Sector Project; accessed September 23, 2005). See also U.S.Embassy- Accra official, email communication to USDOL official, August 15, 2006.
[2040] U.S. Embassy- Accra, *reporting,* August 24, 2004.
[2041] Ibid.
[2042] World Bank, *Education for All Fast Track Initiative: Frequently Asked Questions,* [cited September 29, 2005]; available from http://www.fasttrackinitiative.org/education/efafti/faq.asp.

Grenada

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	05/14/2003	
Ratified Convention 182	05/14/2003	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Grenada are unavailable.[2043] It has been reported that some children work informally in the agricultural sector.[2044] According to the World Bank, children in Grenada are becoming involved in commercial sexual exploitation in order to pay for basic needs, such as school fees and food.[2045]

In 2002, the gross primary enrollment rate was 120 percent, the most recent year for which data are available; the net primary enrollment rate was 84 percent.[2046] Gross and net enrollments ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for Grenada.[2047] As of 2001, 79 percent of children who started primary school were likely to reach grade 5.[2048] Despite high enrollment rates, factors such as poverty, poor school facilities, and the periodic need to

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[2043] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2044] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Grenada*, Washington, DC, February 28, 2005; available from www.state.gov/g/drl/rls/hrrpt/2004/41761.htm.

[2045] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt. See also The Protection Project, *Grenada*, Washington, D.C., March, 2002; available from http://209.190.246.239/ver2/cr/Grenada.pdf. It is reported that girls are three times as likely as boys to be infected with the HIV virus. See The World Bank, *Project Appraisal Document on a Proposed Loan/Credit in the Amount of US$6.04 Million to Grenada for a HIV/AIDS Prevention and Control Project*, The World Bank, Washington, D.C., July 1, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/07/31/000094946_02071304010345/Rendered/PDF/multi0page.pdf.

[2046] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2047] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[2048] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViiewer/tableView.aspx?ReportId=5 (School life expentancy, % of repeaters, survival rates; accessed December 2005).

help with family farm harvests resulted in a 7 percent absenteeism rate among primary school children in 2000, the most recent time period for which such figures are available.[2049] The government cites the high level of emigration of natural parents, inadequate children's care, and juvenile crime as the leading causes of children dropping out of school. The lack of a male role model, single-parent households and violence in the family may be causes for dropping out of school.[2050]

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children Act sets the minimum age for employment in Grenada at 16 years.[2051] Children under the age of 14 years are not permitted to work in any public or private industrial undertaking other than an undertaking in which only members of the same family are employed.[2052]

A person convicted of violating the Act can be subject to a fine of up to USD 10,000, up to 3 years of imprisonment, or both.[2053] The Constitution prohibits forced labor and slavery.[2054] Grenada does not have a system of conscription into the armed forces and, therefore, enlistment is on a voluntary basis only.[2055] The Ministry of Labor enforces child labor laws in the formal sector through periodic checks; however, enforcement in the informal sector remained a problem, according to the U.S. Department of State.[2056]

Since 2002, the Government of Grenada has been implementing its first comprehensive educational development plan, entitled "Strategic Plan for Educational Enhancement and Development (SPEED)." The Plan includes aims to provide universal access to education, improve the quality of education, provide learners with relevant knowledge, attitudes and skills, establish and strengthen relationships with partners in education, improve the effectiveness of management and administration of education at ministry and school levels, and ensure consistent government financing of education, diversifying the funding sources and making certain that resources are used efficiently.[2057]

[2049] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.
[2050] Committee on the Rights of the Child, *Summary Record of the 608th Meeting*, CRC/C/SR.608, Geneva, March 9, 2000; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e3ba31066714114280256 8b2004e0df9/$FILE/G0040532.pdf.
[2051] Employment of Women, Young Persons and Children Act, Grenada - Child Labor Laws and Enforcement, May 21, 2001 1999, Article 32.
[2052] Angela Melchiorre, *Grenada,* Right to Education Organization, 2004 [cited May 2, 2006]; available from http://www.right-to-education.org/content/age/grenada.html.
[2053] Employment of Women, Young Persons and Children Act, Article 35.
[2054] *Grenada Constitution Order 1973*, No. 2155, (February 7, 1974); available from http://www.georgetown.edu/pdba/Constitutions/Grenada/gren73eng.html.
[2055] *Human Rights Watch: Americas: Grenada, Child Soldier Global Report 2001*, 2001.
[2056] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Grenada*, Washington, D.C., February 25, 2004; available from www.state.gov/g/drl/rls/hrrpt/2003/27898.htm.
[2057] Government of Grenada, *Strategic Plan for Educational Enhancement 2002-2010*, Ministry of Education, January 2002, 21-40.

The Child Welfare Act of 1998 designates the Child Welfare Authority as responsible for providing protection for children, including in cases of neglect or sexual exploitation.[2058]

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

The World Bank, in partnership with CARICOM and other international donor organizations, has funded a regional HIV/AIDS prevention project in Grenada. The project goal is to increase equitable access to secondary education; improve the quality of the teaching and learning process, with more direct interventions and provision of resources at the school level, a focus on student-centered learning and various mechanisms to provide student support; and strengthen management of the sector and governance of schools. The project is expected to end in 2007.[2059]

Grenada's Strategic Plan for Educational Enhancement and Development aims to improve the quality of education and student achievement and to establish and strengthen relationships with education partners by working closely with the local private sector, NGOs, as well as regional and international organizations. The Ministry is also working to improve management and administration efficiency and to ensure consistent financing of education and efficient use of resources.[2060]

The Government of Grenada in collaboration with UNICEF and other international donors, including USAID and the Canadian government, cooperated in the rebuilding and refurbishing of schools after Hurricane Ivan's devastation to the school system.[2061]

Second phase of the World Bank's Organization of Eastern Caribbean States Education Development Program began in 2003 and is scheduled to close in September 2007. The project objective is to increase access to schools by expanding and rehabilitating space, providing additional learning resources, training teachers in pedagogy, identifying special needs children, and implementing new methods for teaching literacy. It also supports students by developing extra-curricular activities and training administrators in the management of the school system.[2062]

[2058] Committee on Rights of Child Considers Report of Grenada. United Nations. HR/CRC/00/18. 24 January 2000.
[2059] The World Bank, *Grenada: HIV/AIDS Prevention and Control; available from Http://web.worldbank.org/external/projects/main?pagePK=64312881&piPK+64302848&th.*, Updated November 23, 2005.
[2060] Government of Grenada, *Strategic Plan for Educational Enhancement 2002-2010*, Ministry of Education, January 2002.
[2061] *UNICEF, UN Steps Up Relief to Grenada in Ivan's Wake. Available from http://www.unicef.org/media_23439.html,* UNICEF, September 14, 2004.
[2062] The World Bank, "Grenada: OECS Education Development Project". Available from http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P077759.

Guatemala

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/27/1990	
Ratified Convention 182	10/11/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 16.1 percent of children ages 5 to 14 years were counted as working in Guatemala in 2000. Approximately 21 percent of all boys 5 to 14 were working compared to 11.1 percent of girls in the same age group. The majority of working children were found in the agricultural sector (62.6 percent), followed by services (23.4 percent), manufacturing (10.7 percent) and other sectors (3.2 percent).[2063] Labor force participation rates of children are highest in areas with large indigenous populations.[2064] On average, working children ages 5 to 14 years work 6.5 hours per day and 5 days per week.[2065] Children help harvest commercial crops such as coffee and broccoli.[2066] Children are also employed as domestic servants[2067] and garbage pickers,[2068] in family businesses,[2069] in the fireworks[2070] and stone quarries sectors,[2071] and in other sectors.[2072]

[2063] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the "Data Sources and Definitions" section of this report.

[2064] Children living in regions with high concentrations of indigenous groups comprised 65.9 percent of economically active 7 to 14 year olds. See Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001, 6.

[2065] ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 40, Cuadro No. 14; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/guatemala/report/gt_2003.pdf.

[2066] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Guatemala*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41762.htm. See also ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector in Guatemala*, project document, October 2000.

[2067] In 2002 ILO reports that 38,878 children under 18 work under conditions of modern slavery in private homes in Guatemala. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d. See also ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala: Informe de Investigación Lineamientos y Recomendaciones para una Propuesta de Intervención del 21 de diciembre 2001 al 31 de marzo de 2002*, Asociación Guatemalteca Pro-Naciones Unidas (AGNU), Guatemala City, 2002.

[2068] Vilma Duque and Fernando Garcia, *Child Labour in Garbage Dumps: A Rapid Assessment*, ILO, Geneva, May 2002; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/guatemala/ra/basuras.pdf.

[2069] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d. Many children work for their families without wages. See U.S. Embassy - Guatemala City, *reporting*, August 19, 2003. It has been reported that children also work as black market traders for US dollars. See Institutional Co-ordinator for Promotion of Children's Rights - CIPRODENI, *Analysis on Progress and Limitations on Compliance of the Children's Rights Convention: Second Independent Report from Non-Government Organizations on*

Child labor is one of many problems associated with poverty. In 2000, 16 percent of the population of Guatemala were living on less than USD 1 a day.[2073]

Child prostitution is especially common in the capital and along the borders with El Salvador and Mexico. [2074] Street children tend to be especially vulnerable to sexual exploitation and other forms of violence.[2075] Guatemala is considered a source, transit, and destination country for Guatemalan and other Central American children, primarily for the purpose of commercial sexual exploitation. Children from poor families in Guatemala tend to be drawn into sex trafficking through advertisements for foreign jobs or through personal recruitment.[2076]

The Constitution mandates free and compulsory education in Guatemala through primary school, or up to grade 6.[2077] In 2002, the gross primary enrollment rate was 106 percent and the net primary enrollment rate was 87 percent.[2078] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 65.5 percent of children 5 to 14 years were attending school.[2079] As of 2001, 65 percent of children who started primary school were likely to reach grade 5.[2080] The lack of flexible alternative programs in the education system, lack of relevance of the curriculum, insufficient academic coverage, and low quality of services have been cited as some of the reasons children leave Guatemalan schools. Economic activity and poor health contribute to the

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Compliance with Children and Youth Rights in Guatemala, CIPRODENI, Guatemala, September 2000, 27; available from http://www.crin.org/docs/resources/treaties/crc.27/Guatemala-english.pdf.

[2070] The Ministry of Labor estimated 3,000 children worked in the illegal fireworks production industry. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

[2071] ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Samala River, Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 4, 2005. See also Gema Palencia, "Novecientos veinticinco mil menores obligados a trabajar agricultura y comercio, sectores que utilizan a mas ninos," *Prensa Libre*, April 29, 2003, [cited June 22, 2005]; available from http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p_cnoticia=54991&p_fedicion=29-04-03.

[2072] ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 37, Cuadro No. 13.

[2073] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2074] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.

[2075] Ibid.

[2076] Ibid. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm.

[2077] Republic of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), Article 74; available from http://www.georgetown.edu/pdba/Constitutions/Guate/guate93.html. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.

[2078] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2079] UCW analysis of ILO SIMPOC, UNICEF MICS, and surveys, *Child Economic Activity and School Attendance Rates*.

[2080] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

76 percent primary school desertion rate of rural children who enter first grade.[2081] Primary completion rates are lowest in rural and indigenous communities.[2082]

Child Labor Laws and Enforcement

The Labor Code and Constitution set the minimum age for employment at 14 years.[2083] 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 extreme poverty within the child's family, and enables the child to meet compulsory education requirements.[2084] In 2004, 20 apprenticeships permits were issued, as this practice has diminished significantly in the past years.[2085] Minors ages 14 to 17 are prohibited from working at night, overtime, in places that are unsafe and dangerous, or in bars or other establishments where alcoholic beverages are served.[2086] The workday for minors under the age of 14 years is limited to 6 hours; minors age 14 to 17 may work a maximum of 7 hours.[2087] During the year the Municipality of Guatemala enacted a law prohibiting minors less than 18 years from accessing waste disposal sites.[2088]

Article 188 of the Penal Code prohibits child pornography and prostitution.[2089] Procuring and inducing a minor into prostitution are crimes that can result in fines and 6 years of imprisonment, and the penalty increases by two-thirds if the victim is younger than 12 years old.[2090] February 2005 reforms to Article 194 of the Penal Code expanded the definition of trafficking from solely covering sex trafficking to include other forms, and increased penalties for trafficking to 7 to 12 years of incarceration. Punishments are increased by one-third if the victim is a minor.[2091] The Law for Integrated Protection of Children and Adolescents protects children from trafficking and economic and sexual

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[2081] ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 27, Recuadro No. 3. See also USAID, *Regional Strategy for Central America and Mexico FY 2003-2008, Annex E: Guatemala Country Plan*, December 17, 2003, 17; available from http://www.dec.org/pdf_docs/PDABZ676.pdf.
[2082] On average, non-indigenous Guatemalan children receive 5.6 years of education, and indigenous children receive an average of 2.2 years. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.
[2083] *Código de Trabajo de la República de Guatemala*, Article 148; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41345/64970/S95GTM01.htm#t4. See also *Constitution, 1985*, Article 102.
[2084] *Código de Trabajo*, Article 150. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.
[2085] U.S. Embassy - Guatemala City, *reporting*, February 7, 2005.
[2086] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d. See also *Código de Trabajo de la República de Guatemala, 1996*, 148.
[2087] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.
[2088] *Municipal Agreement*, No. 006-2005, (April 1, 2005), Article 1.
[2089] U.S. Embassy- Guatemala City, *reporting*, August 22, 2000. See also Interpol, *Legislation of Interpol member states on sexual offences against children,* Interpol, [database online] 2003 [cited June 22, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuatemala.asp.
[2090] Article 191 of the Criminal Code as cited by Interpol, *Legislation of Interpol member states on sexual offences against children*.
[2091] Previously, human trafficking was defined only in relation to the movement of women outside of the country's boundaries for prostitution. U.S. Embassy - Guatemala City, *reporting,* February 7, 2005.

exploitation.[2092] The Constitution prohibits forced or compulsory labor, including by children.[2093] The Law on the Constitution of the Army stipulates that anyone serving in the military must be between 18 and 30 years old, and the Law for Integrated Protection of Children and Adolescents maintains that it is the state's responsibility to ensure that children and adolescents' are not recruited into the military.[2094] Since 1999, the Government of Guatemala has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2095]

The Ministry of Labor's Child Workers Protection Unit is responsible for enforcing child labor regulations as well as educating children, parents, and employers regarding the labor rights of minors. According to the U.S. Department of State, child labor laws are not well enforced because of ineffective labor inspections and labor courts.[2096] Specialized units within the Prosecutor's Office, the National Civilian Police (PNC), and the Attorney General's Office are tasked with investigating, arresting, and prosecuting traffickers.[2097] The Minors Section of the PNCs Criminal Investigative Service successfully apprehended child traffickers in 2005; however, some rescued underage victims were turned over to the juvenile justice system rather than provided with rehabilitative services.[2098]

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

The Government of Guatemala, through its National Commission for the Elimination of Child Labor, is implementing the 2001 National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.[2099] The government is also implementing the 2001 National Plan of Action against the commercial sexual exploitation of children and adolescents.[2100] Chapter three of the Public Policy and National Plan of Action for Childhood 2004-2015 provides for protection of children from economic exploitation and adolescents from dangerous and unhealthy work.[2101] A

[2092] See U.S. Embassy - Guatemala City, *reporting,* August 19, 2003. See also *Ley de Proteccion Integral de la Niñez y Adolescencia*, Decreto Numero 27-2003, Articulos 50 and 51.
[2093] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6c.
[2094] Coalition to Stop the Use of Child Soldiers, "Guatemala," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=827.
[2095] ILO-IPEC official, email communication email communication to USDOL official, November 14, 2005.
[2096] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.
[2097] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.
[2098] U.S. Embassy - Guatemala City, *reporting*, May 5, 2004.
[2099] Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*. See also U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.
[2100] Secretariat of Social Welfare of the Presidency, *Plan Nacional de Acción Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Guatemala*, Guatemala City, July 2001.
[2101] ILO, *Convention 182 Observation: Guatemala*, CEACR 2004/74th Session, Committee of Experts on the Application of Conventions and Recommendations, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See also Ministry of Labor and Social Security, electronic communication to USDOL official, August 19, 2005.

Technical Committee for the Prevention and Eradication of Domestic Child Labor was established in February 2005.[2102]

The Government of Guatemala is collaborating with ILO-IPEC on six projects aimed at eliminating child labor in various sectors and geographical areas.[2103] Two of these projects are USDOL-funded regional projects aimed at eradicating the commercial sexual exploitation of children[2104] and child labor in commercial agriculture.[2105] Another is a Government of Italy-funded regional program to eradicate child labor in garbage dumps.[2106] The Government of Guatemala is also collaborating with ILO-IPEC on USDOL-funded projects aimed at combating child labor in the fireworks,[2107] broccoli,[2108] and stone quarrying[2109] sectors. The Ministry of Labor, the Unit for the Protection of Minors at Work, UNICEF, and ILO-IPEC have joined efforts to build the capacity of local leaders to monitor and implement programs to address child labor.[2110] The Government of Guatemala is participating in a USD 5.5 million USDOL-funded regional project implemented by CARE to combat child labor through education.[2111] During the year, the government worked through its Immigration Service and the Secretariat of Social Welfare to raise awareness regarding trafficking and child sexual exploitation.[2112]

The Ministry of Education (MINEDUC) addresses child labor directly and indirectly by providing scholarships to children in need,[2113] administering extracurricular programs,[2114]

[2102] Ministry of Labor and Social Security, electronic communication, August 19, 2005.
[2103] ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha Pais: Guatemala*, May 2005, [cited June 22, 2005]; available from http://www.oit.org.pe/ipec/documentos/ficha_pais_mayo_2005_guatemala.doc.
[2104] This project includes activities that benefit children as well as awareness raising, institutional capacity building, and international and national coordination in Guatemala. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, ILO-IPEC, Geneva, March 12, 2005.
[2105] ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 17, 2003.
[2106] ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha Pais: Guatemala*.
[2107] This project seeks to withdraw children from fireworks production in the regions of San Raymundo and Sacatepequez. See ILO-IPEC, *Prevention and Progressive Eradication of Child Labor in Fireworks Production in Guatemala, Addendum*, project document, GUA/03/P50/USA, Geneva, September 9, 2003.
[2108] ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector*.
[2109] ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Samala River, Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 5, 2004.
[2110] UN Economic and Social Council, *Contemporary Forms of Slavery*, Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 6.
[2111] U.S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World,* [online] October 1, 2004 [cited June 22, 2005]; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also CARE, *CARE's Work: Project Information,* [online] 2004 [cited June 22, 2005]; available from http://www.careusa.org/careswork/projects/SLV041.asp.
[2112] U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 5.
[2113] ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production, March 5, 2004*, 12. See U.S. Department of State, *Country Reports- 2004: Guatemala*, Section 6d.

and implementing school feeding programs in rural areas.[2115] In particular, the government worked with ILO-IPEC to provide scholarships to children removed from work in the broccoli, coffee, gravel, and fireworks sectors. MINEDUC continues to implement a bilingual education project[2116] and to reduce the associated costs of education by providing school supplies to all children in primary school and eliminating their matriculation fees.[2117] The World Bank is supporting a Universalization of Basic Education project through 2006, which seeks to improve the coverage, equity, and quality of primary education.[2118] USAID's 2004-2008 Country Plan for Guatemala focuses on promoting policies to improve educational quality and reducing rates of school desertion and repetition.[2119] A new loan from the IDB which encourages quality social expenditure includes an education component focusing on improved enrollment, educational quality, and school infrastructure.[2120] In May 2005, the U.S. Department of Agriculture announced that it will provide additional funds for school feeding programs in Guatemala.[2121]

[2114] Extracurricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms. See Nery Macz and Demetrio Cojti, interview with USDOL official, August 16, 2000.

[2115] MINEDUC, through the General Office for Co-Ordination of Support Program, administers school feeding programs. See CIPRODENI, *Analysis on Progress and Limitations*, 19.

[2116] Ibid., 9-10.

[2117] Macz and Cojti, interview, August 16, 2000. Guatemalan teachers consider the government's efforts to reform the education system to be unsatisfactory.

[2118] World Bank, *Guatemala-Universalization of Basic Education Project,* World Bank, [online] June 2005 [cited June 22, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P048652.

[2119] USAID, *Guatemala Country Plan*, 5. See also USAID, *Guatemala: USAID Program Profile,* [online] May 13, 2005 [cited June 22, 2005]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/guatemalaprofile.html.

[2120] This loan was approved in December 2004. See IDB, *Guatemala: Program for Improving the Quality of Social Expenditure*, Loan Proposal, Program for Improving the Quality of Social Expenditure, 2004, 5-6; available from http://www.iadb.org/exr/doc98/apr/gu1598e.pdf.

[2121] The program will benefit 172,000 people in Guatemala. See U.S. Department of Agriculture, *Johanns announces $91 million to feed children under McGovern-Dole international food program,* [online] May 2005 [cited June 22, 2005]; available from http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1RD?printable=true&contentidonly=true&contentid=2005/05/0144.xml.

Guinea

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/6/2003	
Ratified Convention 182	6/6/2003	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 48.8 percent of children ages 7 to 14 were counted as working in Guinea in 1994. Approximately 47.6 percent of all boys 7 to 14 were working compared to 50.2 percent of girls in the same age group.[2122] The majority of working children are found in the informal sectors, carrying out activities such as subsistence farming, small-scale commerce, and fishing.[2123] Children also work in gold and diamond mines, granite and sand quarries, and as apprentices to mechanics, electricians, and plumbers.[2124] Guinean children engaged in the worst forms of labor were found hauling granite and sand for little or no money in artisanal mining. Girls engaged in prostitution as early as age 14.[2125]

Guinea is a source, transit and destination country for trafficking in persons. Guinean girls are trafficked for sexual exploitation to Cote d'Ivoire, Benin, Senegal, Nigeria, South Africa, Spain and Greece and internally as domestic servants.[2126] Guinean boys are trafficked internally for street vending, shoe shining, and for forced labor in agriculture and diamond mining. Children are also trafficked from Mali, Guinea-Bissau, Sierra Leone and Senegal for forced labor in Guinea.[2127]

Years of conflict in neighboring Liberia, Sierra Leone and Cote d'Ivoire have resulted in large-scale displacement of civilians, particularly in the forest region. The children in Guinea's forest region are reportedly subject to economic exploitation and sexual abuse. In N'Zerekore and Kissidougou, UNICEF identified some 200 unaccompanied minors

[2122] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[2123] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Guinea*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41607.htm. See also UNICEF, *Situation Des Enfants et Des Femmes, Programme De Cooperation 2002-2006, Republique de Guinee*, Conakry, 2000, 83-84.

[2124] UNICEF, *Situation Des Enfants et Des Femmes*, 84.

[2125] U.S. Department of State, *Country Reports- 2004: Guinea*, Section 6d.

[2126] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[2127] Ibid.

from Sierra Leone and Liberia who were being exploited in diamond mines, plantations, and in homes.[2128]

Public education is free[2129] and compulsory for 6 years, between the ages of 7 and 13.[2130] In 2002, the gross primary enrollment rate was 81 percent, and the net primary enrollment rate was 65 percent.[2131] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Enrollment remains substantially lower among girls than boys. In 1994, 34.8 percent of children ages 7 to 14 years were attending school.[2132] Children, particularly girls, may not attend school in order to assist their parents with domestic work or agriculture.[2133] In general, enrollment rates are substantially lower in rural areas.[2134] There is a shortage of teachers, school supplies and equipment, and school facilities in Guinea.[2135]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years, although children under the age of 16 may work with the consent of authorities.[2136] The Labor Code permits apprentices to work at 14 years of age. Workers less than 18 years of age are not permitted to work at night or work more than 10 consecutive hours per day. The penalty for an infraction of the law is a fine of 30,000 to 600,000 GNF (USD 5 to 105).[2137] The Labor Code also prohibits forced or bonded labor and hazardous work by children under

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[2128] According to various estimates, there are between 8,000 and 11,000 refugees and displaced persons residing in Guinea's forest region. An additional 45,000 people are reported to live in refugee camps in the region. U.S. Embassy – Conakry Official, email correspondence to USDOL Official, August 11, 2006.
[2129] Republic of Guinea, *Rapport relatif au principe de l'abolition effective du travail des enfants*, Conakry, September 4-8, 2000.
[2130] Although the government provides free tuition, fees related to schooling still prevent children from enrolling. See U.S. Department of State, *Country Reports- 2004: Guinea*, Section 5.
[2131] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed August 2006).
[2132] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*. The marked increase in school enrollment over the last decade is attributed to the fact many refugee camps have schools.
[2133] U.S. Department of Agriculture, *Global Food For Education Pilot Program, Guinea: World Food Program,* 2003 [cited June 18, 2003], [previously online]; available from http://www.fas.usda.gov/excredits/gfe/congress2003/counryrpts.htm [hard copy on file]. See also UNICEF, *Situation Des Enfants et Des Femmes*, 70.
[2134] World Bank, *Education for All Project,* [online] 2002 [cited December 16, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=351795&menuPK=351827&Projectid=P050046, Mohamed Fofana, USAID Natural Resources Management official, interview with USDOL official, August 12, 2002.
[2135] USAID, *Education,* [cited June 24, 2005]; available from http://www.usaid.gov/gn/education/background/index.htm. See also *UNICEF, Situation Des Enfants et Des Femmes, 68.* According to Teacher's Union representatives, it is common for classes to run as large as 100 students, with only one teacher. See also Guinean Teacher's Union (SLECG/FSPE), interview with USDOL official, August 12, 2002.
[2136] *Code du Travail de la Republique de Guinée, 1988*, Article 5.
[2137] See Ibid., Articles 31, 145-148, 167. For currency conversion see FXConverter, in Oanda.com, [online] 2006 [cited August 09, 2006]; available from http://www.carosta.de/frames/convert.htm.

18 years. Section 187 of the Labor Code prohibits hazardous work, defined as any work likely to endanger the health, safety, or morals of children. The Ministry of Labor determines which jobs are considered hazardous. Violations of these laws are punishable by fines ranging from 80,000 to 1,600,000 GNF (USD 14 to 281) and 8 days to 2 months in prison.[2138] Guinea's Penal Code prohibits trafficking of persons, the exploitation of vulnerable persons for unpaid or underpaid labor, and procurement or solicitation for the purposes of prostitution. The fine for violations of the procurement or solicitation law ranges from 100,000 to 1,000,000 GNF (USD 17 to 175) and imprisonment for 2 to 5 years when the crime involves a minor less than 18 years old.[2139] The penalty for trafficking is 5 to 10 years of imprisonment and the confiscation of money or property received through trafficking activities.[2140] The official age for voluntary recruitment or conscription into the armed forces is 18 years,[2141] and the regulation is reported to be strictly enforced within the government army.[2142]

The worst forms of child labor may be prosecuted under different statutes in Guinea. In 2002**,** the Labor Inspectorate within the Ministry of Labor had only one inspector and several assistants in each district to enforce relevant legislation.[2143] While the government spoke out against child labor, it lacked the financial and legislative resources to combat it.[2144]

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

The Government of Guinea is participating in a regional ILO-IPEC program funded by the United States Department of Labor (USDOL) and the Cocoa Global Issues Group that seeks to withdraw children from hazardous work in the cocoa sector, provide income generation and economic alternatives, and promote education.[2145] The government also takes part in a USD 4 million USDOL-funded education initiative to provide non-formal education to children engaged in exploitative child labor.[2146] The USAID-supported Sustainable Tree Crops Program is working in Guinea to address child labor in the cocoa sector, and is coordinating its activities with the USDOL-funded ILO-IPEC program.[2147]

[2138] *Code du Travail, 1988*, Articles 2, 186, 187, 205. For currency conversion see FXConverter.
[2139] U.S. Embassy- Conakry, *reporting*, July 19, 2001. See also Government of the Republic of Guinea, *Penal Code,* The Protection Project Legal Library, [online]; available from http://www.protectionproject.org. For currency conversion see FXConverter.
[2140] See U.S. Department of State, *Country Reports- 2004: Guinea*.
[2141] Although the official age is 18, few people have birth certificates, and in some cases, parents have been known to encourage under-18's to apply to the armed forces. See Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004,* Coalition to Stop the Use of Child Soldiers, [online] n.d. [cited December 16, 2005], 70; available from http://www.child-soldiers.org/document_get.php?id=777.
[2142] U.S. Embassy- Conakry, *reporting*, February 28, 2005.
[2143] Bengaly Camara Deputy Inspector of Labor, interview with to USDOL official, August 12, 2002.
[2144] U.S. Department of State, *Country Reports- 2004: Guinea*, Section 6d.
[2145] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor (WACAP)*, project document, RAF/02/P5 0/USA, Geneva, September 26, 2002.
[2146] The four-year project began in September 2004. U.S. Department of Labor - International Child Labor Program, *Combating Child Labor and Exploitation through Education (CCLEE), Project Summary*, 2004.
[2147] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture, project document.*

The Ministry of Education has overall responsibility for the implementation of a USD 70 million World Bank Education for All Project that aims to promote universal primary schooling, build schools, and improve the quality of education. The program focuses on girls, street children, and rural areas.[2148] The Government of Guinea is receiving funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[2149] USAID is assisting the Ministry of Education and promoting access to quality basic education by focusing on teacher training and community participation in education and girls' schooling.[2150] UNICEF is implementing an advocacy program to increase girls' enrollment.[2151] In addition, the World Food Program is implementing a school feeding program that offers meals to children as an incentive for school attendance with special emphasis on girls.[2152]

[2148] World Bank, *Education for All Projects*. See also USAID, *USAID Education*.

[2149] World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track,* The World Bank, [online] n.d. 2002 [cited December 16, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[2150] USAID, *USAID Education*. See also Fofana, USAID interview, August 12, 2002.

[2151] UNICEF, *At a Glance: Guinea,* UNICEF, [online] 2004 [cited April 27, 2005]; available from http://www.unicef.org/infobycountry/guinea.html.

[2152] World Food Program, *USDA Global Food for education Pilot Program,* WFP, [previously online] 2004 [cited May 17, 2004]; available from http://www.fas.usda.gov/excredits/gfe/congress2003/countryrpts.htm [hard copy on file]. This three-year program ended in 2005.

Guinea-Bissau

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

Incidence and Nature of Child Labor

An estimated 62.2 percent of children ages 5 to 14 years were counted as working in Guinea-Bissau in 2000. Approximately 64.4 percent of all boys 5 to 14 were working compared to 64 percent of girls in the same age group.[2153] Children work in street trading, farming, and domestic labor.[2154] For four months, during the annual cashew harvest, children are withdrawn in part or completely from school in order to work in the fields.[2155] In addition, commercial sexual exploitation of children occurs, but the extent of the problem is unknown.[2156]

School attendance is compulsory for six years. The government is obligated to cover all costs for the first four of these years.[2157] In 2000, the gross primary enrollment rate was 70 percent and the net primary enrollment rate was 45 percent.[2158] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 37.3 percent of children ages 5 to 14 years were attending school.[2159] During the 2004-2005 school year, teacher strikes over unpaid wages plagued the education system.[2160] There is a shortage of qualified teachers and an insufficient number of classrooms and schools,

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[2153] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[2154] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Guinea-Bissau*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41608.htm.

[2155] U.S. Embassy- Dakar, *reporting*, August 2, 2004, para 2.

[2156] ECPAT International, *Guinea-Bissau CSEC Overview,* ECPAT International, [online database] 2005 [cited September 28, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1992, Guinea-Bissau*, CRC/C/3/Add.63, prepared by Government of Guinea-Bissau, pursuant to Article 44 of the Convention on the Rights of the Child, July 26, 2001, para. 253. See also U.S. Embassy- Dakar, *reporting,* August 2, 2004, para 1.

[2157] U.S. Embassy- Dakar official, email communication to USDOL official, August 14, 2006.

[2158] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[2159] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[2160] U.S. Embassy Guinea-Bissau, email communication to USDOL official, December 27, 2005.

particularly in rural areas where the majority of the population resides.[2161] Girls face additional challenges to receiving an education, such as having to travel long distances in potentially unsafe conditions to get to school. Girls are also expected to assist with domestic work, compelled to marry at an early age, and prevented from attending school when pregnant.[2162]

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Guinea-Bissau. The minimum age for employment is set at 14 years for factory work and 18 years for heavy or dangerous labor, including work in mines.[2163] The law prohibits forced or compulsory labor by children.[2164] Prostitution is illegal in Guinea-Bissau, as is the use of violence, threats, or other coercive actions to transport individuals to foreign countries.[2165] The practices of selling, trafficking, and kidnapping of children are also criminal offenses.[2166] In order to prevent trafficking, the law requires that persons traveling with children outside of the country submit their personal identification documents; as well as the identification documents of the child's parents or the child.[2167] According to Decree 20/83, boys under 16 years may volunteer for the armed forces with the consent of their parents/tutors, and all citizens aged 18 to 25 years are subject to compulsory military service.[2168]

According to the U.S. Department of State, although age requirements are generally respected in the formal sector, child labor occurred in the informal sector without oversight or enforcement by the Ministries of Justice or Civil Service and Labor.[2169] There is no information available on the enforcement of laws pertaining to trafficking or commercial sexual exploitation of children.

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

The Government of Guinea-Bissau drafted a Strategic Document for the Reduction of Poverty in 2004 that includes the elimination of the worst forms of child labor as a key

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[2161] This project closed in 2005. See World Food Program, *Post Conflict Relief and Rehabilitation in Gunea Bissau,* [online] 2004 [cited June 15, 2005], 3; available from http://www.wfp.org/operations/current_operations/countries/countryproject.asp?section=5&sub_section=7&country=624. See also UNICEF, *Girls' Education in Guinea Bissau,* [cited June 29, 2005]; available from http://www.unicef.org/girlseducation/files/Guinea-Bissau_2003_(w.corrections).doc.
[2162] UNICEF, *Girls' Education in Guinea Bissau*. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para 33.
[2163] U.S. Department of State, *Country Reports- 2004: Guinea-Bissau*, Section 6d.
[2164] Ibid., Section 6c.
[2165] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 259.
[2166] Ibid., para. 263.
[2167] Ibid., para. 176.
[2168] Ibid., para. 137. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, March 2005, 72; available from http://www.child-soldiers.org/document_get.php?id=966.
[2169] U.S. Department of State, *Country Reports- 2004: Guinea-Bissau*, Section 6d.

objective.[2170] The World Bank assisted the Ministry of Education in 2005 with strengthening the education sector through a 10-year, USD 14.3 million Basic Education Support loan project. Among other activities, the project included infrastructure development, government capacity-building, and improvements in the quality of education services.[2171] In addition, the WFP implemented a school feeding program aimed at improving enrollment and attendance rates, especially for girls, in primary schools.[2172]

The UNICEF country program seeks to increase recognition of children's rights and ensure full implementation of the Convention on the Rights of the Child (CRC). It is also working to improve access to quality basic education, particularly girls.[2173] Small-scale child labor initiatives that focus on literacy, education alternatives, and technical training are also being implemented by NGOs.[2174] The Adventist Development and Relief Agency has received support from USAID to build schools along the border with Senegal, where 7,000 to 8,000 Senegalese refugees live.[2175]

[2170] U.S. Embassy- Dakar, *reporting,* August 2, 2004, para 4.
[2171] This project concluded in 2005. World Bank, *Basic Education Support Project, World Bank Project Data,* [cited June 29, 2005]; available from ttp://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001015.
[2172] World Food Program, *WFP Current Operations*, para 36.
[2173] UNICEF, *At a Glance: Guinea-Bissau,* [online] 2005 [cited June 9, 2005]; available from http://www.unicef.org/infobycountry/guineabissau.html.
[2174] U.S. Embassy Guinea-Bissau, email communication, December 27, 2005.
[2175] Ibid.

Guyana

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

Incidence and Nature of Child Labor

An estimated 26.3 percent of children ages 5 to 14 years were counted as working in Guyana in 2000. Approximately 28.7 percent of all boys 5 to 14 years of age were working compared to 23.9 percent of girls in the same age group.[2176] Children work as porters, domestic servants, street vendors, and waitresses in bars and restaurants.[2177] Some are found working in sawmills, markets, mining, and the illicit drug trade.[2178] There are cases also of children engaged in prostitution in port areas, gold and diamond mining areas, and the capital city of Georgetown.[2179]

Guyana serves as a country of origin, transit, and destination for trafficking of young women and children for the purpose of sexual exploitation. The trafficking of Amerindian girls from the Hinterland (Guyana's interior) to the coast for prostitution or domestic servitude accounts for most trafficking, although Guyanese girls are also trafficked to Suriname and other countries within the region.[2180]

The Education Act (Chapter 39:01) makes provision for access to education and also restricts employment of children.[2181] Primary education in Guyana is free and

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[2176] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. In 2000, approximately 11,000 children ages 15 to 17 years (and of legal working age) were formally employed. See Editorial, "Putting Children First," *Stabroek News*, January 31, 2004, [cited June 27, 2005]; available from http://www.landofsixpeoples.com/news401/ns40131.htm. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2177] George K. Dannas, *Guyana: The Situation of Children in the Worst Forms of Child Labor: A Rapid Assessment*, International Labour Office, Port of Spain, October 2002, 34. UNICEF reported that from 1999-2001, 19 percent of children ages 5 to 14 were considered involved in labor activities. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Guyana*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41763.htm. See also Stabroek News, *Child labour here seen as significant,* [online] July 20, 2005 [cited July 22, 2005]; available from http://www.stabroeknews.com/index.pl/article?id=24675062.

[2178] Ibid.

[2179] ECPAT International, *Guyana,* in ECPAT International, [database online] [cited June 27, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. See also U.S. Department of State, *Country Reports- 2004: Guyana*, Section 5.

[2180] Foreign victims are also trafficked to Guyana from Brazil, and may be transited through Guyana to Suriname. See U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm.

[2181] U.S. Embassy- Guyana official, email communication, August 8, 2006.

compulsory for children ages 5 years and 9 months to 15 years. However, children are expected to remain in secondary school and/or community high school until they are at least 16 years old.[2182] In 2002, the gross primary enrollment rate was 124 percent and the net primary enrollment rate was 99 percent.[2183] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 95.8 percent of children ages 5 to 14 years were attending school.[2184] Although the government has made concerted efforts to increase enrollment rates and to return dropout children to school, dropout rates, particularly among boys, remain high.[2185] As of 1999, 77 percent of children who started primary school were likely to reach grade 5.[2186] The Education Act includes penalties for parents who do not ensure that their children attend school. However, enforcement is weak since the relevant departments lack the necessary human and financial resources to provide the support that is required. In addition, support mechanisms in the police force and judicial system are not adequate.[2187]

Child Labor Laws and Enforcement

The Employment of Young Persons and Children's Act prohibits employment of children under the age of 15, with some exceptions. Children less than 15 years of age may be employed in technical schools provided such work is approved and supervised by the public authority.[2188] Children younger than 16 years are prohibited from working at night.[2189] Forced labor, including by children, is prohibited by the Constitution.[2190] The

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[2182] Ministry of Education, *Strategic Plan 2003-2007*, Planning Unit, Georgetown, June 2002. See also National Development Strategy Secretariat, *National Development Strategy, Vol. 3: The Social Sectors, Ch. 20: Education Policy (draft),* Ministry of Finance, [online] March 26, 1996 [cited June 28, 2005]; available from http://www.guyana.org/NDS/chap20.htm.

[2183] UNESCO Institute for Statistics, *Gross and Net Enrollment Ratios, Primary; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51. For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2184] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[2185] The quality of education, teacher availability and training, and wider educational disparity in the hinterland region contribute to higher dropout rates. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, prepared by Government of Guyana, pursuant to Concluding Observations: Guyana, February 26, 2004, para. 47; available from http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/9a78affeb522f20dc1256e6d0038946a/$FILE/G0440531.pdf.

[2186] UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55.

[2187] U.S. Embassy- Guyana official, email communication, August 8, 2006.

[2188] Government of Guyana, *Employment of Women, Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933; available from http://natlex.ilo.org.

[2189] Ibid.

[2190] *Constitution of the Co-operative Republic of Guyana*, Article 140; available from http://www.georgetown.edu/pdba/Constitutions/Guyana/guyana96.html. See also U.S. Department of State, *Country Reports- 2004: Guyana*, Section 6c.

Defense Act sets the minimum age for enlistment in the armed forces at 18 years, and there are no reports of illegal recruitment or enlistment in Guyana.[2191]

In December 2004, the National Assembly passed a comprehensive anti-trafficking law, which carries penalties of three years to life imprisonment.[2192] In December 2004, the age of sexual consent was raised from 13 to 16 years, thus prohibiting sex with children less than 16 years of age, regardless of profession of consent.[2193] Although child pornography is not specifically mentioned in the Act, Section 350 prohibits the selling, publishing, or exhibiting of any obscene matter.[2194] Owning or operating an establishment allowing sex with a girl under 15 years is punishable by up to life imprisonment.[2195]

Although there are laws that restrict child labor, the U.S. Department of State reports that cases are unreported and enforcement is weak.[2196] According to the U.S. Department of State, the Ministry of Labor lacks sufficient inspectors to enforce child labor laws effectively, particularly in the country's interior.[2197] Reports from the Government of Guyana also indicate that trafficking oversight and enforcement are particularly weak in the country's interior.[2198]

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

The Ministry of Labor, Human Services and Social Security has overall responsibility for issues related to labor, family welfare (including child welfare) and trafficking in persons, including implementing and monitoring programs and activities. It also has responsibility for enforcing the law with the support of the police force.[2199] In 2005, an inter-agency National Task Force was established and a National Plan of Action was completed to combat trafficking.[2200] In addition, the government has led a series of town hall meetings and created anti-trafficking public service announcements[2201]

[2191] Coalition to Stop the Use of Child Soldiers, "Guyana," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=828.
[2192] U.S. Department of State, *Trafficking in Persons Report- 2005: Guyana.*
[2193] U.S. Department of State, *Country Reports- 2004: Guyana*. See also Interpol, *Legislation on Sexual Offences Against Children,* [database online] [cited June 28, 2005]; available from http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaGuyana.asp.
[2194] Interpol, *Legislation on Sexual Offences Against Children*, U.S. Department of State, *Country Reports- 2004: Guyana*, Section 5.
[2195] U.S. Department of State, *Country Reports- 2004: Guyana*, Section 6d.
[2196] U.S. Embassy- Guyana official, email communication, August 8, 2006.
[2197] U.S. Department of State, *Country Reports- 2004: Guyana*, Section 6d.
[2198] Guyana Government Information Agency, *Government wants public involvement in Child Protection,* [online] April 4, 2005 [cited June 28, 2005]; available from http://www.gina.gov/gy/archive/features/f050404.html.
[2199] U.S. Embassy- Guyana official, email communication, August 8, 2006.
[2200] Guyana Government Information Agency, *TIP seminar opens at GWLI,* [online] April 20, 2005 2005 [cited June 28, 2005]; available from http://www.gina.gov/gy/archive/daily/b050420.html.
[2201] Ibid.

With support from the Government of Canada, the Government of Guyana is implementing an ILO pilot project providing rehabilitation services to child laborers and targeting children at-risk of exploitation in urban work, vending, loading and transporting, and agriculture.[2202] Since September 2005, the Guyanese Government has been participating in a USDOL-funded USD 2 million project to combat exploitative child labor through education.[2203] In addition, the Government of Guyana appointed a National Commission on the Rights of the Child to monitor and coordinate children's rights issues.[2204]

The importance of access to education and improving the quality of education is acknowledged by the Government of Guyana. The National Development Strategy, which was formulated with input from civil society, identifies various recommendations and the Ministry of Education's Strategic Plan for 2003-2007 includes education goals. The Government's Poverty Reduction Strategy Paper (PRSP) also identifies education as a national priority.[2205]

From 2003 to 2015, Guyana will receive USD 45 million from various donors to support its Education For All (EFA) initiatives. The three major EFA initiatives in Guyana are: (1) improving the quality of the teaching force in the Hinterland, (2) enhancing the teaching/learning environment in primary schools, and (3) strengthening school community partnerships.[2206] As part of the government's initiative in the Hinterland, a specific strategy is being implemented to ensure the inclusion of the Amerindian population in the education system within the regions.

The Government of Guyana is also implementing a Basic Education Access and Management Support (BEAMS) Project to improve school performance through curricular and pedagogical reform, education management reform, and school infrastructure development.[2207] The Guyana Education Access Project (GEAP) seeks to implement a common curriculum in the first three grades of secondary school.[2208] The Ministry of Education is implementing the Basic Competency Certificate Program, a pilot

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[2202] The project closed in November 2005. See ILO Sub-regional Office for the Caribbean, *Combating Child Labor in the Caribbean: Pilot Programs,* [online] 2005 [cited June 29, 2005]; available from http://www.ilocarib.org.tt/childlabour/pilot_programme.htm.
[2203] U.S. Department of Labor, *ICLP Projects Funded in FY 2005*, December 15, 2005; available from http://www.dol.gov/ilab/programs/iclp/projectchart05.htm. Guyana's General Registrar has made recent efforts to raise awareness of the importance of birth registration. Guyana Government Information Agency, *Parents urged to register children at birth,* [online] April 20, 2005 [cited June 28, 2005]; available from http://www.gina.gov/gy/archive/daily/b050420.html.
[2204] Stabroek News, *Child labour here seen as significant.*
[2205] U.S. Embassy- Guyana official, email communication, August 8, 2006.
[2206] World Bank, *Guyana: Education for All- Fast Track Initiative Program, Amerindian People's Strategy*, September 17, 2004, 4-5; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/10/06/000012009_20041006102054/Rendered/PDF/ipp95.pdf.
[2207] Ministry of Education, *Major MOE Projects,* [online] [cited February 2, 2005]; available from http://www.sdnp.org.gy/minedu/about/projects.htm.
[2208] The project is supported by the Government of the United Kingdom. See Ibid.

program in six secondary schools and four instructions centers aimed at providing affordable and high quality vocational education to older children.[2209] The Council for Teacher Education coordinated teacher training programs including a distance education certificate program in two Hinterland regions.[2210] The government has allocated funds for textbooks, school uniforms, and a school feeding program. In addition, the Human Services Ministry offers counseling to students.[2211]

[2209] Government of Guyana, *Poverty Reduction Strategy Progress Report 2005*, June 2005; available from http://www.povertyreduction.gov.gy/iprsp.htm.
[2210] Ibid., 30.
[2211] Guyana Government Information Agency, *Protecting Children - Government's Priority,* [online] April 14, 2005 [cited June 28, 2005]; available from http://www.gina.gov.gy/archive/daily/b050414.html.

Haiti

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Haiti are unavailable.[2212] In general, due to high unemployment and job competition, there is very little child labor in the industrial sector and on commercial farms. Children are known to work on family farms and in the informal sector in order to supplement their parents' income.[2213] Haiti is a source, transit, and destination country for the trafficking of children for forced labor and commercial sexual exploitation. The trafficking of children, particularly girls, from poor, rural areas to work as domestic servants for relatively richer families is a common traditional practice. These children, referred to as "restaveks," live under conditions of forced labor and are often subject to long hours, poor nourishment, hard labor, and sexual and other kinds of abuse.[2214] Many of these children do not attend school.[2215] Estimates on the number of children living under these conditions vary widely.[2216]

In 2004, Haiti experienced violence resulting from political upheaval and natural disasters.[2217] Despite the presence of U.N. peacekeeping forces, violence continued.[2218]

[2212] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2213] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Haiti*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41764.htm.

[2214] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5. See also ILO-IPEC, *Haiti Escenario de Moderna Esclavitud,* [online] August 2055 [cited September 19, 2005]; available from http://www.oit.or.cr/ipec/encuentros/noticia.php?notCodigo=469.

[2215] ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation concerning Convention No. 29, Forced Labour, 1930 Haiti (ratification: 1958)*, Geneva, 2005; available from http://www.ilo.org/ilolex/english/index.htm.

[2216] U.S. Department of State, *Trafficking in Persons Report*. A 2001 study conducted by the Haitian Institute for Statistical Information notes that quantifying child domestic workers is difficult due to numerous factors. Most notably the total population in Haiti is not known, and therefore extrapolations of working children may vary depending upon which population estimate is used. See Tone Sommerfelt (ed.), *Child Domestic Labor in Haiti: Characteristics, Contexts and Organization of Children's Residence, Relocation, and Work*, The Fafo Institute for Applied Social Sciences, 2002, 15, 34, and 82-85.

[2217] In 2004 Jean-Bertrand Aristide resigned his presidency following an insurgency by anti-government rebels. Additionally, major flooding in May 2004 and cyclone Jeanne in September 2004 left approximately 2,754 people dead or missing. Louis Joinet, *Situation of Human Rights in Haiti*,

According to UNICEF, the civil unrest in 2004 has resulted in an increased number of children trafficked to the Dominican Republic to work as beggars or prostitutes.[2219] An estimated 2,500 to 3,000 Haitian children are trafficked annually to the Dominican Republic.[2220]

Many children who live on the streets in Haiti are former domestic servants.[2221] Both child domestic servants and street children are the victims of violence.[2222] Violence against street children included killings, sometimes by police.[2223] Children are recruited into armed groups.[2224] The commercial sexual exploitation of children, including street children, is a problem. In 2003, ILO-IPEC published a rapid assessment on the commercial sexual exploitation of children in Haiti, which found that the majority of the commercial sex workers surveyed were street children in the 13 to 17 age range, with some as young as 9 or 10 years old.[2225]

According to the Constitution, primary school is free and compulsory.[2226] Education is required for children ages 6 to 11 years.[2227] Gross and net enrollment statistics are not available for Haiti.[2228] Schools are in poor condition and lack a sufficient number of teachers. Most children living in rural areas do not have access to public schools. The

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E/CN.4/2005/123, UN Economic and Social Council, 61st session, January 24, 2005, 2; available from http://ap.ohchr.org/documents/dpage_e.aspx?m=47.

[2218] Organization of American States: Inter-American Commission on Human Rights, *IACHR Calls For Immediate Measures to Quell Unprecedented Violence in Haiti*, 29, Washington, D.C., July 22, 2005; available from http://www.cidh.org/Comunicados/English/2005/29.05eng.htm. See also United Nations Security Council, *Report of the Security Council mission to Haiti, 13 to 16 April 2005*, May 6, 2005, para 11, 13, and 14; available from http://www.un.org/Docs/missionreport.html.

[2219] UNICEF, Save the Children-Canada, Save the Children-US, World Vision, and Plan International, *Les Enfants d'Haiti Face a la Crise: Situation et Realites*, Port-au-Prince, March, 2004, 29; available from http://www.unicef.org/media/files/assessment.pdf.

[2220] U.S. Department of State, *Trafficking in Persons Report*.

[2221] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.

[2222] Many child domestic servants are still expected to conduct their shopping and other work despite the violence. See UNICEF, Save the Children-Canada, Save the Children-US, World Vision, and Plan International, *Les Enfants d'Haiti Face a la Crise*, 19-20.

[2223] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5. See also Amnesty International, *Haiti: Disarmament delayed, justice denied*, July 28, 2005; available from http://web.amnesty.org/library/print/ENGAMR360052005.

[2224] Louis Joinet, *Situation of Human Rights in Haiti*, 9. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- Haiti*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=829.

[2225] See ILO-IPEC, *Etude Exploratoire sur l'Exploitation Sexuelle Commerciale des Enfants*, Port-au-Prince, April 2003, 50 and 52. Commercial sexual exploitation of children occurs predominately in the capital and other major towns. There are reports of sexual tourism involving Haitian boys. See ECPAT International CSEC Database, http://www.ecpat.net (Haiti; accessed October 4, 2005).

[2226] Right to Education Constitutional Guarantees Database, http://www.right-to-education.org (Haiti; accessed June 23, 2005).

[2227] UNESCO, *EFA Global Monitoring Report: Education for All- The Quality Imperative*, Paris, 2004, Regional Overview: Latin America and the Caribbean, 6; available from http://portal.unesco.org/education/en/ev.php-URL_ID=35874&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[2228] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

costs associated with public school, including school fees, uniforms, and books, prevent many children from attending. Approximately 90 percent of schools are private.[2229] In 2004, the last year for which data is available, schools were targets for violence and threats.[2230]

Child Labor Laws and Enforcement

A gap exists between the age at which compulsory schooling ends and the minimum age for employment. The Labor Code sets the minimum age for employment as a domestic servant at 12 years. The minimum employment age for work in industrial, agricultural, or commercial enterprises is 15 years.[2231] Children must be at least 14 years of age to work as an apprentice.[2232] Children ages 15 to 18 must obtain a work authorization from the Ministry of Labor. According to the Code, employing a child without a work authorization is punishable by fines.[2233] Children less than 18 years of age are prohibited from hazardous work and night work in industrial jobs.[2234]

Employers of child domestic servants must meet age, income, and other requirements, and they must be licensed by the Institute for Social Welfare and Research (IBESR).[2235] Employers must ensure that child domestic workers have regular health exams, attend school, and are provided with sufficient housing, clothing, and food.[2236] Child domestic servants must have 10 hours of uninterrupted rest a day and may not work on Sunday afternoons and legal holidays.[2237] Children ages 15 and older must receive wages. Procedures and rules are established for employers to follow when firing child domestic workers and for situations when child domestic workers run away.[2238] Fines are established for violations of these provisions.[2239]

Although there is no law specifically prohibiting the worst forms of child labor in Haiti, there are statutes under which the worst forms can be prosecuted. The Criminal Code prohibits procurement of minors under age 21 for the purposes of prostitution. Punishments range from 6 months to 3 years of incarceration.[2240] Child trafficking is illegal.[2241] The Labor Code prohibits forced labor.[2242] The constitution obligates Haitians

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[2229] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.
[2230] UNICEF, *Healing the Wounds: UNICEF Haiti Advances Psychosocial Initiatives,* [online] March 30, 2005 [cited June 23, 2005]; available from http://www.unicef.org/emerg/haiti/index_25833.html.
[2231] *Code du Travail*, (1984), Articles 335 and 341; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm.
[2232] Ibid., Article 73.
[2233] Ibid., Articles 337 and 340.
[2234] Ibid., Articles 333 and 334.
[2235] Ibid., Articles 342 and 343.
[2236] Ibid., Articles 344-348.
[2237] Ibid., Article 347.
[2238] Ibid., Articles 350-353.
[2239] Ibid., Article 355.
[2240] *Código Penal*, Article 282; available from http://www.unifr.ch/derechopenal/introanu.htm.
[2241] U.S. Embassy-Port au Prince, *reporting*, March 5, 2005.
[2242] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 6d.

over age 18 to perform military service, however the military has been disbanded by presidential order.[2243]

According to the U.S. Department of State, Haiti lacks the resources to enforce child labor laws.[2244] IBESR is responsible for coordinating the implementation and enforcement of child labor laws; however it does not have sufficient funding to do so. Government institutions lacked resources to effectively monitor the border.[2245] The judicial system is weak and has not yet recovered from the 2004 political upheaval.[2246] Efforts were made by the National Police's Brigade for the Protection of Minors to investigate concerns regarding children in the Port-au-Prince area; however these efforts were limited due to a lack of resources.[2247] The Ministry of Social Affairs and Labor (MAST) is responsible for coordinating anti-trafficking programs.[2248] The Haitian National Police, in coordination with the U.N. Stabilization Mission in Haiti and the Dominican Consul General, rescued 13 Dominican girls who had been trafficked to Haiti for commercial sexual exploitation. The girls were repatriated and a Haitian man was arrested in connection with the crime.[2249]

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

According to the U.S. Department of State, the government lacks the capacity to support its existing child welfare programs.[2250] As part of the Interim Cooperation Framework, a 2004 agreement with various donors including the European Commission, the IDB, the U.N. and the World Bank, MAST developed a two year plan to open shelters and protect children. With assistance from U.N. peacekeepers, two shelters have been opened.[2251] The Interim Cooperation Framework has also supported anti-trafficking training for government officials.[2252] The Interim Government participates in ILO implemented programs to eradicate and prevent exploitative child labor, including exploitative child domestic labor, through funding from the Canadian Government.[2253] MAST also provides services for street children and a hotline for reporting child abuse. Most of the

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[2243] Coalition to Stop the Use of Child Soldiers, *Global Report- Haiti*.
[2244] U.S. Embassy- Port Au Prince, *reporting*, November 16, 2005.
[2245] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 6d. See also U.S. Department of State, *Trafficking in Persons Report*.
[2246] OAS Inter-American Commission on Human Rights, *Preliminary Observations of the Inter-American Commission on Human Rights Upon Conclusion of its April 2005 Visit to Haiti*, Washington, D.C., June 6, 2005, para. 33; available from http://www.reliefweb.int/library/documents/2005/iachr-hti-6jun.pdf. See also U.S. Embassy-Port au Prince, *reporting,* March 5, 2005.
[2247] U.S. Embassy-Port au Prince, *reporting,* March 5, 2005.
[2248] U.S. Department of State, *Trafficking in Persons Report*.
[2249] U.S. Embassy- Port Au Prince, *reporting,* November 16, 2005.
[2250] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.
[2251] U.S. Embassy-Port au Prince, *reporting,* March 5, 2005.
[2252] World Bank, *First Year of Haiti's Interim Cooperation Framework - Achievements,* [online] May 2005 [cited October 17, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/HAITIEXTN/0,contentMDK:20579076~pagePK:141137~piPK:141127~theSitePK:338165,00.html.
[2253] ILO-IPEC official, email communication to USDOL official, November 8, 2005. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Committee of Experts*.

complaints received by the hotline involve child domestic workers. Some children in forced labor situations are placed in shelters and with NGOs. Haitian consulates along the border with the Dominican Republic and agents in airports monitor for potential child trafficking situations.[2254] IBESR conducts a media campaign to prevent fraudulent adoptions.[2255] The Interim Government of Haiti facilitated and participated in workshops with Dominican government officials regarding border issues, including trafficking.[2256]

The government subsidizes school costs for some child domestic servants.[2257] Additionally, a school nutrition program is funded by the World Bank.[2258]

[2254] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.
[2255] U.S. Embassy-Port au Prince, *reporting,* March 5, 2005.
[2256] U.S. Embassy- Port Au Prince, *reporting,* November 16, 2005.
[2257] U.S. Department of State, *Country Reports- 2004: Haiti*, Section 5.
[2258] World Bank, *Haiti: World Bank Signs US$ 1.3 million in Grants for School Feeding Program and Education Initiative,* [online] December 6, 2004 [cited June 23, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20290093~menuPK:34464~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

Honduras

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/9/1980	
Ratified Convention 182	10/25/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 9.2 percent of children ages 5 to 14 years were counted as working in Honduras in 2002. Approximately 13.3 percent of all boys ages 5 to 14 years were working compared to 5.0 percent of girls in the same age group. The majority of working children were found in the agricultural sector (59.1 percent), followed by services (28.5 percent), and manufacturing (10.9 percent).[2259] Children also work as domestic servants.[2260] Many children work for their own families out of economic necessity in the informal sector and in rural areas.[2261] Child labor is one of many problems associated with poverty. In 1999, the most recent year for which data are available, 20.7 percent of the population in Honduras were living on less than USD 1 a day.[2262]

According to the Government of Honduras, the worst forms of child labor that exist in the country include: commercial sexual exploitation (particularly in major cities and the tourist sector along the North Coast); fireworks manufacturing (in Copán); work in garbage dumps (in the two large cities of Tegucigalpa and San Pedro Sula); mining and dirt extraction (South and East regions); the sale and handling of pesticides (Copán, La Ceiba, and Choluteca); construction; and some forms of agricultural work.[2263] Children

[2259] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2260] FUNPADEM, *Pobreza y Subsistencia: Trabajo Infantil y Adolescente en los Departamentos de Cortes, Copan, y Santa Barbara*, San José, Costa Rica, 2001, 56-60. In June 2004, ILO-IPEC and the National Institute of Statistics estimated that there are more than 20,000 girls employed as domestic servants in Honduras. See U.S. Embassy- Tegucigalpa, *reporting*, August 25, 2004.

[2261] Many children working for their families do not receive compensation. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Honduras*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41765.htm.

[2262] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2263] National Commission for the Eradication of Child Labor, *Plan de Acción Nacional Para la Erradicación Gradual y Progresiva del Trabajo Infantil en Honduras*, Tegucigalpa, December 2001, 97-98.

are also involved in the harvesting of sugar cane,[2264] and have been involved in the sale of drugs in Olancho and Comayagua.[2265]

There is evidence of child prostitution in Honduras, particularly in tourist and border areas.[2266] Honduras is a source and transit country for girls trafficked for commercial sexual exploitation. Honduran girls are trafficked internally and to Belize, Guatemala, Mexico, and the United States for the purpose of prostitution. Children are trafficked to Canada for prostitution and reportedly for the sale of drugs.[2267]

Education is free and compulsory in Honduras until the age of 13.[2268] In 2001, the gross primary enrollment rate was 105.8 percent, and the net primary enrollment rate was 87.5 percent.[2269] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 80.1 percent of children ages 5 to 14 years were attending school.[2270] In May 2004, the Honduran National Institute of Statistics household survey showed that the average number of years of schooling in Honduras was 5.6 years for women, and 5.3 years for men.[2271] The May 2004 survey also estimated that 125,000 children ages 7 to 12 years did not receive an education.[2272] Obstacles such as poor school infrastructure, enrollment fees, school uniform costs, transportation costs, poor quality of education, teacher absenteeism, and lack of vocational education prevent some children from obtaining educational services.[2273]

[2264] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 6d.
[2265] National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*, 97. See also National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación Gradual y Progresiva del Trabajo Infantil*, Tegucigalpa, 2000, 17.
[2266] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5. See also National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación de Trabajo Infantil*, 17.
[2267] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5.
[2268] *Constitución de la República de Honduras, 1982*, Capitulo 8, Articulo 171; available from http://www.georgetown.edu/pdba/Constitutions/Honduras/hond82.html. See also U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5. The average age for finishing primary school is 14 years. See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, September 2001, 8.
[2269] UNESCO Institute for Statistics, http://wtats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[2270] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[2271] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5.
[2272] Ibid.
[2273] ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, project document, October 2000, 2. See also U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5.

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 16 years.[2274] According to the Labor Code and the Children's Code, children ages 14 to 15 years are permitted to work with parental consent and Ministry of Labor permission.[2275] The Children's Code prohibits a child younger than 14 years of age from working, even with parental permission.[2276] If a child 14 to 15 years is hired, an employer must certify that he or she has finished, or is finishing, compulsory schooling.[2277] The Children's Code establishes fines as well as prison sentences of 3 to 5 years for individuals who allow or oblige children to work illegally. Fines double if the firm is a repeat offender.[2278] Children under the age of 16 are prohibited from working at night and in clubs, theaters, circuses, cafes, bars, in establishments that serve alcoholic beverages, or in jobs that have been determined to be unhealthy or dangerous.[2279] Hazardous work as defined by Honduran law includes standing on high scaffolding, exposure to toxic substances, diving underwater, working in tunnels or underground, working with wood cutting machines, ovens, smelters, or heavy presses, and exposure to vehicular traffic, high voltage electrical currents, and garbage.[2280] Children less than 17 years of age may only work 6 hours per day and for a total of 30 hours per week.[2281]

The worst forms of child labor may be prosecuted under different statutes in Honduras. The Constitution prohibits forced labor, including by children.[2282] Honduran law requires recruits to be 18 years old in order to voluntarily enlist in the armed forces. There is no compulsory conscription, nor are there reports of minors under 18 years of age enlisting in the military.[2283] The Children's Code protects children 18 years and younger against sexual exploitation, child prostitution, and child pornography, and mandates 3 to 5 years of imprisonment for violators.[2284] The Penal Code punishes those who promote or facilitate child prostitution with 5 to 8 years of imprisonment and fines.[2285] Honduran law also includes provisions that prohibit trafficking in persons, which may be punished

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[2274] *Codigo de Trabajo de la Republica de Honduras y sus reformas, 1959*, Decreto No. 189, Articulos 128-129; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/29076/64849/S59HND01.htm. See also *Constitución de la República de Honduras, 1982*, Capitulo 5, Articulo 128, Numero 7.
[2275] *Codigo de Trabajo*, Articulos 133 and 128. See also Government of Honduras, *Código de la Niñez y de la Adolescencia, 1996*, Articulo 119. See also *Constitución de la República de Honduras, 1982*, Capitulo 5, Articulo 128, Numero 7. See also U.S. Embassy- Tegucigalpa, *reporting,* August 25, 2004.
[2276] *Código de la Niñez y de la Adolescencia, 1996*, Articulos 119 and 120.
[2277] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 6d. See *Codigo de Trabajo*, Articulo 133.
[2278] U.S. Embassy- Tegucigalpa, *reporting*, August 27, 2003. See also U.S. Department of State, *Country Reports- 2004: Honduras*, Section 6d.
[2279] *Codigo de Trabajo*, Articulo 129.
[2280] U.S. Embassy- Tegucigalpa, *reporting,* August 25, 2004.
[2281] *Constitución de la República de Honduras, 1982*, Capitulo 5, Articulo 128, Numero 7.
[2282] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 6c.
[2283] Coalition to Stop the Use of Child Soldiers, "Honduras," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=830.
[2284] *Código de la Niñez y de la Adolescencia, 1996*, Articulos 134 and 141.
[2285] Interpol, *Legislation of Interpol member states on sexual offences against children: Honduras,* [database online] 2004 [cited June 22, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaHonduras.asp.

by 6 to 9 years of imprisonment.[2286] However, according to the U.S. Department of State, prosecution and law enforcement efforts are weak due to inadequate police and court systems, corruption, and lack of resources.[2287] Since 1999, the Government of Honduras has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2288]

The Ministry of Labor and Social Security (MOLSS) is responsible for conducting child labor inspections.[2289] The country's 119 labor inspectors report violations for administrative action.[2290] The Labor Code is more effectively enforced in urban areas and large-scale manufacturing and services,[2291] although violations occur often in rural areas or at small companies.[2292] The ministry operates a regional office and conducts inspections on lobster boats in the Mosquitia area, where boat captains illegally employ boy divers. The MOLSS conducts special inspections in the melon and sugar cane sectors to uncover incidences of child labor.[2293]

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

The Government of Honduras is implementing a National Plan of Action to Eradicate Child Labor.[2294] The issue of child labor has also been incorporated into the country's Poverty Eradication Plan.[2295]

The Government of Honduras, through its National Commission for the Gradual and Progressive Eradication of Child Labor, is currently participating in a number of ILO-IPEC implemented projects. These include two USDOL-funded regional projects aimed at combating child labor in commercial agriculture[2296] and the commercial sexual exploitation of children.[2297] With funding from donors including Spain, the Netherlands,

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[2286] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5. See also U.S. Embassy-Tegucigalpa, *reporting,* August 27, 2003.
[2287] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 5. See also U.S. Embassy-Tegucigalpa, *reporting,* August 25, 2004.
[2288] ILO-IPEC official, e-mail communication to USDOL official, November 14, 2005.
[2289] Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*, June 2000.
[2290] U.S. Department of State official, electronic correspondence to USDOL official, May 20, 2005.
[2291] U.S. Embassy- Tegucigalpa, *reporting,* August 25, 2004.
[2292] U.S. Department of State, *Country Reports- 2004: Honduras*, Section 6d.
[2293] U.S. Embassy- Tegucigalpa, *reporting,* August 25, 2004.
[2294] The first phase of the plan (2001-2006) is focusing on the worst forms of child labor. See National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*.
[2295] ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, technical progress report, March 2005, 3.
[2296] The first phase of this project aims to combat child labor in the melon sector. See ILO-IPEC, *Prevention and Elimination of Child Labor in Melons, project document*. See also ILO-IPEC, *Prevention and progressive elimination of child labor in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 30, 2003.
[2297] In Honduras, this project focuses primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *Contribution to the Prevention and Elimination of*

and Italy, ILO-IPEC is carrying out projects to combat child labor in various sectors, including exploitative domestic work and garbage dump scavenging.[2298] In addition, the Government of Honduras is participating in a USD 5.5 million USDOL-funded regional project implemented by CARE to combat child labor through education.[2299]

The National Commission against Commercial Sexual Exploitation of Children is responsible for institutional coordination of the issue.[2300] In conjunction with UNICEF, the Government of Honduras is implementing a public information campaign against trafficking and commercial sexual exploitation, and has worked to raise awareness of children's rights and risks associated with illegal migration.[2301]

The government has initiated several programs in order to improve children's access to quality basic education. The Ministry of Education makes available radio and long distance learning for children in rural areas with few schools and provides disadvantaged families with stipends for school supplies. Regional committees of child defense volunteers encourage parents to send children to school.[2302] With support from the Education for All Fast Track Initiative, the Government of Honduras created an Education Development Plan with strategies to improve the quality of primary education, teaching skills, pre-primary education, bilingual education, and rural school networks.[2303] In 2005, Honduras was the first country in the Latin America and Caribbean region to sign a compact with the Millennium Challenge Corporation.[2304] The World Bank is providing Poverty Reduction Technical Support in Honduras through 2008.[2305] The

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Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic, project document, RLA/02/P51/USA, Geneva, 2002, 26-28.

[2298] U.S. Embassy- Tegucigalpa, *reporting,* August 25, 2004. See also ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha Pais: Honduras*, May 2005; available from http://www.oit.org.pe/ipec/documentos/ficha_pais_mayo_2005_honduras.doc. See also ILO-IPEC, *IPEC Projects - Child Domestic Labour,* [online]; available from http://www.ilo.org/public/english/standards/ipec/themes/domestic/download/cdl_project_0504.pdf.

[2299] CARE, *APRENDO Project: Combating Exploitive Child Labor Through Education in Central America and the Dominican Republic*, Project Document, 2004.

[2300] ILO-IPEC, *Stop the Exploitation: Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic*, technical progress report, March 2005, 17.

[2301] U.S. Embassy- Tegucigalpa Labor Attaché, electronic communication to USDOL official, February 19, 2004.

[2302] U.S. Embassy- Tegucigalpa, *reporting,* August 25, 2004.

[2303] World Bank, *Education for All - Fast Track Initiative Status Report*, FTI Secretariat, November 10-12, 2004, 10; available from http://www1.worldbank.org/education/efafti/documents/Brasilia/status_report_dec6.pdf.

[2304] Millenium Challenge Corporation, *Millenium Challenge Corporation Signs $215 Million Compact with Honduras,* [online press release] June 13, 2005 [cited November 3, 2005]; available from http://www.mca.gov/public_affairs/press_releases/pr_061305.shtml.

[2305] World Bank, *Poverty Reduction Support Technical Assistance,* [online] June 22, 2005 [cited June 22, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=295071&menuPK=295103&Projectid=P083851.

project supports community-based school management, including local education development associations.[2306]

[2306] World Bank, *Poverty Reduction Support Technical Assistance Project*, project appraisal document, June 3, 2004, 44; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/04/000160016_20040604170713/Rendered/PDF/290650HN.pdf.

India

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

Incidence and Nature of Child Labor

An estimated 4.1 percent of children ages 5 to 14 were counted as working in India in 2000. Approximately 4.1 percent of all boys 5 to 14 were working compared to 4.0 percent of girls in the same age group. The majority of working children were found in the agricultural sector (73.3 percent), followed by manufacturing (12.4 percent), services (11.5 percent) and other sectors (2.8 percent).[2307] Children work in hazardous conditions in numerous activities, including stone-quarrying and the production of glassware, *bidis* (cigarettes), fireworks, matches, locks, bricks, footwear, brassware, polished gem stones, leather goods, slaughterhouses, and sporting goods.[2308] They also work in a number of service sector jobs in hotels, catering establishments, small construction, food preparation, bicycle and car repair, and domestic service. Save the Children estimates that India may have as many as five million child domestic workers. Most child domestic workers are between 12 and 17 years of age, but some are reportedly as young as five or six. Working conditions in this sector are often characterized by very long hours and abusive treatment.[2309] Children are also found living and working on the streets of India doing odd jobs, such as trash picking, shoe shining, begging, and vending.[2310] Child labor is one of many problems associated with poverty. In 1999, the most recent year for

[2307] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor in general are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2308] Because of the various hazards associated with these particular sectors, the work has been identified by the Indian government as being harmful to the physical, emotional, or moral well being of children. See ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 6-7. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: India*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41740.htm. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," *Trade Union World* No. 6 (October 2004).

[2309] ILO - Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, New Delhi, India, 2004, 70-71. See Amelie Gentleman, "Upwardly mobile India treads on the young," *International Herald Tribune*, November 3, 2005.

[2310] International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," 2. See also R. Helen Sekar, *Child Labour in Urban Informal Sector: A Study of Ragpickers in NOIDA*, National Resource Center on Child Labor, V.V Giri National Labour Institute, New Delhi, 2004. See also ILO - Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, 70.

which data are available, 35.3 percent of the population in India were living on less than USD 1 a day.[2311]

Bonded or forced child labor remains a problem in several sectors, although few reliable estimates exist on the practice. Estimates made by NGOs suggest that between 20 and 65 million people are working under conditions of bonded labor in India, including a large number of children. Past reports have identified the use of forced or indentured child labor in brassware, fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-broken stones, and bidi cigarettes. Recent reports point to forced child labor in agriculture, rice mills, brick kilns, hybrid cottonseed production, *zari* embroidery, domestic service, and silk weaving. The vast majority of bonded laborers are from the Scheduled Castes and Scheduled Tribes of India.[2312] In addition, human rights organizations estimate that many of the 100,000-300,000 children believed to be working in the carpet industry are doing so under conditions of bonded labor.[2313]

India is a source, destination, and transit country for the trafficking of children for the purposes of commercial sexual exploitation and other forms of exploitative labor.[2314] The commercial sexual exploitation of children occurs across India, as an estimated 15 to 40 percent of prostitutes in India are under 18 years of age.[2315] Most trafficking of children in India is internal, as children are trafficked mainly from rural to urban areas for sexual exploitation and forced or bonded labor.[2316] Children, mainly girls, are also trafficked into India from Bangladesh and Nepal for commercial sexual exploitation in urban centers, such as Mumbai (Bombay), Kolkata (Calcutta), and New Delhi. In

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[2311] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2312] U.S. Department of State, *Country Reports- 2004: India*, Section 6c and 6d. See also Ravi Srivastava, *Bonded Labour in India: Its Incidence and Pattern*, ILO - Special Action Programme to Combat Forced Labour, Geneva, April 2005. See also ILO, *A Global Alliance Against Forced Labour*, Geneva, June, 2005. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," 7. See also U.S. Embassy- New Delhi, *reporting*, September 14, 2005. See also National Commission for Women of India, *Public Hearing on the Condition of Bonded Labourers in Rice Mills of Red Hills, Thruvallur*, New Delhi, 2004. See also Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, Volume 15, No. 2 (C), January 2003. See also "Child Labour Keeps This Industry Thriving," *The Hindu* (New Delhi), September 9 2005; available from http://www.thehindu.com/2005/04/09/stories/2005040902180300.htm.

[2313] U.S. Department of State, *Country Reports- 2004: India*, Section 6d. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour."

[2314] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.

[2315] See U.S. Department of State, *Country Reports- 2004: India*, Section 5. See also National Human Rights Commission of India, *A Report on Trafficking in Women and Children in India 2002-2003*, New Delhi, August, 2004. See also ECPAT International, *Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in India*, Bangkok, November, 2004.

[2316] National Human Rights Commission of India, *A Report on Trafficking in Women and Children in India*, 159, 353. Major raids in Mumbai and Delhi during the year highlighted the existence of rural to urban trafficking of children into forced labor in *zari* embroidery, shoe-making, bag-making, and buffing sweatshops. See Prachy Pinglay, "Child Labourers in Mumbai Begin Their Journey Home," *The Hindu* (Chennai), July 8 2005; available from http://www.hindu.com/2005/07/08/stories/2005070800751400.htm. See also Global March against Child Labour, *Children Rescued from Bondage,* 2005 [cited July 11, 2005]; available from http://www.globalmarch.org/news/zariraid.php3. See also U.S. Department of State, *Country Reports- 2004: India*, Section 5.

addition, India serves as a transit point for child trafficking from Bangladesh into Pakistan and the Middle East. To a lesser extent, Indian children are trafficked to the Middle East to work in involuntary servitude as camel jockeys and beggars.[2317]

The 1949 Constitution established a goal of providing compulsory and free education for all children until the age of 14 years.[2318] The 1986 National Policy on Education and the 1992 Program of Action reemphasized that goal.[2319] In December 2002, the Indian Parliament passed legislation making education for all children between 6 and 14 a constitutionally guaranteed right, but legislation has not yet been introduced to implement this constitutional right.[2320] In practice, education is neither free nor universal in India, as the U.S. Department of State reports that a large share of the population is unable to afford tuition, books, and uniforms.[2321]

In 2002, the gross primary enrollment rate was 108 percent, and the net primary enrollment rate was 88 percent.[2322] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 71.5 percent of children ages 5 to 14 were attending school.[2323] As of 2001, 84 percent of children who started primary school were likely to reach grade 5.[2324] While enrollment rates have improved in recent years, UNICEF reports that the educational system still suffers from a shortage of resources, schools, classrooms, and teachers.[2325] Inadequacies also remain related to teacher training, the quality of the curriculum, the efficacy of school management, and high teacher truancy rates, particularly in rural areas.[2326]

Child Labor Laws and Enforcement

[2317] U.S. Department of State, *Trafficking in Persons Report*. See also National Human Rights Commission of India, *A Report on Trafficking in Women and Children in India*, 353. See also U.S. Department of State, *Country Reports- 2004: India*, Section 5.

[2318] *The Constitution of India*, (November 26, 1949).

[2319] U.N. 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, U.N. Committee on the Rights of the Child, July 7 1997.

[2320] U.S. Embassy- New Delhi, *reporting,* September 14, 2005. See also U.S. Department of State, *Country Reports- 2004: India*, Section 5.

[2321] U.S. Embassy- New Delhi, *reporting,* September 14, 2005.

[2322] UNESCO Institute for Statistics, *Gross and Net Enrolment Ratios, Primary; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2323] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[2324] UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55.

[2325] UNICEF, *Mapping India's Children: UNICEF in Action*, New Delhi, 2004. See also U.S. Embassy- New Delhi, *reporting,* September 14, 2005.

[2326] A 2004 study revealed that, on any given day, 25 percent of teachers in rural areas in 20 states in India did not show up to work. See U.S. Embassy- New Delhi, *reporting,* September 14, 2005. See also UNICEF, *Mapping India's Children: UNICEF in Action*.

The Child Labor (Prohibition and Regulation) Act of 1986 prohibits the employment of children under the age of 14 in 13 occupations and 57 processes considered to be hazardous, such as work in slaughterhouses, carpet-weaving, and trash picking.[2327] Children of any age may be employed in all other activities, provided employers adhere to legal restrictions, including a maximum 6 hour work day with a 1 hour rest period and at least one day off per week. Penalties under the Act range from 3 months to 1 year imprisonment and a fine of between 10,000 and 20,000 rupees (USD 224 and 448).[2328] In 1996, India's Supreme Court issued a judgment that directed the government to identify all children employed in hazardous activities, withdraw them from work, and provide them with quality education.[2329]

The worst forms of child labor may be prosecuted under different statutes in India. There is no military conscription in India. Although the legislation governing recruitment into the armed forces does not stipulate a minimum age, Indian officials told the UN Committee on the Rights of the Child in 2003 that 16 year-old recruits undergo two and a half years of basic training before being inducted into regular service.[2330]

Bonded child labor is prohibited under the Bonded Labor System (Abolition) Act of 1976. Under the Act, allegations of bonded labor and child bonded labor are to be investigated by district-level Vigilance Committees. Extracting bonded labor carries a penalty of up to 3 years in prison and a 2,000 rupees (USD 45) fine.[2331] In August 2004, the most recent date for which such figures are available, the government reported 4,859 prosecutions under the Act, but figures regarding convictions were unavailable. Of the 285,379 bonded laborers identified by the government as of April 2004, 265,417 had received rehabilitation assistance.[2332] The Penal Code and the Immoral Trafficking (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a minor girl in the Penal Code is a fine and imprisonment of up to 10 years.[2333]

[2327] The list of prohibited occupations and activities is based on recommendations of an advisory board on child labor, which is composed of officials from the Ministries of Labor, Education, and Rural Development, as well as medical experts and social activists. There have been no changes to the Act since 1999. See U.S. Embassy- New Delhi, *reporting,* September 14, 2005. See also V.V. Giri National Labour Institute, *Child Labour: Challenge and Response*, New Delhi, 2003, 10-11.

[2328] Government of India, *Child Labor- Prohibition and Regulation Act 1986*; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/27803/64848/E86IND01.htm#p4. For currency conversion, see FX Converter, [cited October 12, 2005]; available from http://www.oanda.com/convert/classic.

[2329] ILO-IPEC, *Child Labour and Responses: Overview Note - India*, Geneva, 2004, 2; available from http://www.ilo.org/public/english/region/asro/newdelhi/ipec/download/india.pdf.

[2330] No information was available on the number of recruits under the age of 18 serving in the armed forces. See Coalition to Stop the Use of Child Soldiers, *Global Report 2004 - India*.

[2331] Government of India, *Bonded Labour System (Abolition) Act*, Act No. 19 of 1976, (February 9, 1976); available from http://indiacode.nic.in/fullact1.asp?tfnm=197619.

[2332] See ILO, *A Global Alliance Against Forced Labour*, 20. For currency conversion, see FX Converter, *FX Converter*.

[2333] ECPAT International, *Report on Laws and Legal Procedures*, 20, 21.

The enforcement of child labor laws is primarily the responsibility of state and local governments, with the Ministry of Labor and Employment providing oversight and coordination.[2334] From 1999 through November 2004, state governments uncovered 21,246 violations of the Child Labor Act, leading to 12,348 prosecutions and 6,305 convictions.[2335] The U.S. Department of State reports that enforcement of child labor laws is inadequate, however, due to insufficient resources, poorly trained inspectors, social acceptance of child labor, and the lack of universal primary education.[2336] Enforcement regarding bonded child labor is further hampered by the many competing duties and insufficient training of district magistrates charged with enforcing the law and the inexistence or inactivity of legally mandated local vigilance committees.[2337] Organized crime, police corruption, and complicated procedures reportedly weaken the enforcement of laws related to human trafficking and the commercial sexual exploitation of children.[2338]

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

The Ministry of Labor and Employment oversees the implementation of National Child Labor Projects (NCLPs), which have been established in districts with a high incidence of hazardous labor to rehabilitate children withdrawn from work. The NCLP model includes the establishment of special schools that provide non-formal education, vocational training, stipends, and nutrition supplements for children withdrawn from hazardous work.[2339] NCLPs are present in 150 districts across 20 states, and the government's 2002-2007 Tenth Development Plan includes provisions to increase the overall number of NCLP districts to 250. The Ministry's budgetary allocation for the 5-year plan is 6.02 billion rupees (USD 134 million), up from the 2.05 billion rupees (USD 46 million) allocated in the previous 5-year plan.[2340] More than 320,000 children have been withdrawn from hazardous work and placed in NCLP schools across the country.[2341]

[2334] Ministry of Labour and Employment, *Efforts to Eliminate Child Labour,* [cited May 17, 2005]; available from http://pib.nic.in/release/rel_print_page1.asp?relid=5985. See also Human Rights Watch, *Small Change*, 54. See also U.S. Department of State, *Country Reports- 2004: India*, Section 6d.
[2335] U.S. Embassy- New Delhi, *reporting,* September 14, 2005.
[2336] U.S. Department of State, *Country Reports- 2004: India*, Section 6d. See also U.S. Embassy- New Delhi, *reporting,* September 14, 2005.
[2337] U.S. Department of State, *Trafficking in Persons Report*. See also Human Rights Watch, *Small Change*, 47.
[2338] U.S. Department of State, *Trafficking in Persons Report*. See also ECPAT International, *Report on Laws and Legal Procedures*. See U.S. Department of State, *Country Reports- 2004: India*, Section 5.
[2339] Ministry of Labour and Employment, *Efforts to Eliminate Child Labour*. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2004-2005*, New Delhi, 2005; available from http://www.labour.nic.in/annrep/annrep2004.htm.
[2340] Ministry of Labour and Employment, *Efforts to Eliminate Child Labour*. See also Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 70 No. 141, October 4, 2005. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 81-83. For current conversion, see FX Converter, *FX Converter*.
[2341] Embassy of India, letter, October 4, 2005.

The NCLP program is complemented by the Labor Ministry's Grants in Aid Scheme program, which is being implemented in a number of districts that do not have operative NCLP schools. The program funds 87 NGOs to implement projects aimed at providing working children with education and vocational training opportunities.[2342] As part of the Indian government's Tenth Plan, child labor eradication efforts are being more closely linked with initiatives to alleviate poverty and to promote universal elementary education.[2343]

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, brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. With funding from USDOL and the Government of India, ILO-IPEC is implementing a USD 40 million multi-year project to complement and strengthen the NCLP program and government initiatives to promote universal education. The project targets child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh, and the National Capital Territory of Delhi. The project adds new elements to the NCLP program in selected districts to increase its effectiveness, and it also increases NCLP coordination with educational initiatives to ensure children withdrawn from hazardous work remain in school.[2344] ILO-IPEC implements a separate child labor elimination program in the state of Andhra Pradesh, while UNICEF has worked in conjunction with the government to support programs to withdraw and rehabilitate child laborers.[2345]

The Government of India continues to take steps to improve education and achieve universal enrollment. The Ministry of Education's *Sarva Shiksha Abhiyan* (SSA) initiative is implementing a range of efforts to achieve universal elementary education for all children in India ages 6 to 14 by 2010.[2346] The Ministry's Education Guarantee Scheme and Alternative ad Innovative Education Program is providing non-formal education to the nation's out of school children, including child laborers.[2347] Through its National Program of Nutritional Support to Primary Education, the government also

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[2342] Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 84. See also V.V. Giri National Labour Institute, *Child Labour: Challenge and Response*, 19.

[2343] Embassy of India, letter, October 4, 2005. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 82.

[2344] See Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*. See also ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*.

[2345] ILO-IPEC, *Child Labour and Responses: Overview Note - India*.

[2346] The SSA program addresses the appointment of teachers, teacher training, qualitative improvement of elementary education, provision of teaching materials, establishment of resource centers for academic support, construction of classrooms and school buildings, establishment of education guarantee centers, and distance education initiatives. It gives particular attention to the needs of girls and vulnerable children. The program takes a community-based approach and works through local groups such as Village Education Committees, Panchayati Raj institutions, and women's groups. See Ministry of Education, *Sarva Shiksha Abhiyan: A Programme for Universal Elementary Education,* [online] [cited July 7, 2005]; available from http://education.nic.in/htmlweb/ssa/ssa_1.htm.

[2347] Ministry of Education, *Education Guarantee Scheme and Alternative and Innovative Education,* [online] [cited July 11, 2005]; available from http://www.education.nic.in/htmlweb/edu_guarantee_sch/edu_guarantee_back.htm.

provides mid-day lunches to children to increase enrollment and attendance and help improve the nutritional status of children.[2348] The midday meal program was made mandatory in all states by a January 2005 Supreme Court ruling. In March 2005, India's Finance Minister raised the budget for the midday meal program from USD 38 million to USD 67 million for 110 million elementary school children.[2349]

The World Bank has supported the government's efforts to improve basic education for girls, working children, and children from disadvantaged backgrounds. Projects have focused on expanding access to education, improving classroom instruction, increasing community participation, and strengthening local and state capacity.[2350] The World Bank has approved a USD 500 million credit to India through 2007 to support the SSA program in providing universal elementary education. The credit will fund a number of activities, including the construction of new schools and facilities for girls, along with the provision of free textbooks to girls and children from scheduled castes and tribes, teacher training, grants to support students with disabilities, and the building of resource centers for teachers, parents and students. Of the total USD 3.5 billion cost for the program, the Government of India will contribute 45 percent, donors 30 percent, and state governments 25 percent.[2351]

[2348] Ministry of Education, *National Programme of Nutritional Support to Primary Education,* [cited July 11, 2005]; available from http://www.education.nic.in/htmlweb/middaymeal1.htm.

[2349] Rama Lakshimi, "A Meal and a Chance to Learn," *The Washington Post* (Washington, DC), April 28, 2005; available from http://www.washingtonpost.com/wp-dyn/content/article/2005/06/29/AR2005062902587.html.

[2350] World Bank, *World Bank Support for Education in India,* [online] [cited September 7, 2004]; available from http://wbln1018.worldbank.org/sar/sa.nsf/a22044d0c4877a3e852567de0052e0fa/3436a2c8a70b8463852567ef0066a42e?OpenDocument.

[2351] World Bank, *India: World Bank to Support India's Goal of Achieving Elementary Education,* [online] April 20, 2004 [cited July 11, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20193977~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

Indonesia

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/07/1999	
Ratified Convention 182 3/28/2000	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Economic and Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Indonesia are unavailable.[2352] Children work in agriculture, construction, manufacturing, food processing, and the small-scale mining sector. Children, primarily females, also work in domestic service.[2353] Other children work in the informal sector selling newspapers, shining shoes, street vending scavenging, and working beside their parents in family businesses or cottage industries.[2354] The Indonesian government identifies the worst forms of child labor as the physical and economic exploitation of children, including prostitution, mining, pearl diving, construction, off-shore fishing, scavenging, manufacturing of explosives, street children, working in domestic service, working in cottage industries, working on plantations, logging, and working in industries that produce hazardous chemical substances.[2355] Child labor is one of many problems associated with poverty. In 2002, 7.0 percent of the population in Indonesia were living on less than USD 1 a day.[2356]

Indonesia is a source, transit, and destination country for a significant number of people trafficked internationally and internally, including children. Children are trafficked internationally from Indonesia to Malaysia, Saudi Arabia, Kuwait, United Arab Emirates, Hong Kong, Taiwan, Japan, South Korea, Singapore, and Australia, and are trafficked internally mainly from rural to urban areas.[2357] Children are also exploited in the

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[2352] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2353] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Indonesia*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41643.htm. See also U.S. Embassy Jakarta, *reporting*, March 2, 2005. See also End Child Labor, http://www.endchildlabor.org/db_infoBank.cfm?Action=View (Indonesia Child Labor by Industry or Occupation; accessed June 6, 2005). See also Ruth Rosenberg, ed., *Trafficking of Women and Children in Indonesia*, Jakarta, 2003, 16; available from http://www.icmc.net/files/traffreport.en.pdf.

[2354] Republic of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 5.

[2355] The definition was formalized under Act No. 1/2000, as reported in Ibid., 10.

[2356] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2357] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also U.S. Department of State, *Country Reports- 2004: Indonesia*, Section 5. See also Rosenberg, *Trafficking of Women and Children in Indonesia*, 16.

production of pornography and in the international sex industry.[2358] Children are also known to be involved in the production, trafficking, and/or sale of drugs.[2359] Children have been used as combatants in civilian militia groups in the past, but there was no evidence of this occurring in 2005. It remains unclear if children are used in other capacities within such groups. Children were not officially recruited into the Indonesian armed forces but there are allegations of children being used as guards, guides, cooks, informants and errand-runners.[2360]

The December 26, 2004 tsunami left thousands of children in Indonesia orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor and sexual exploitation. Estimates on the number of orphaned or separated children range from 18,000 (UNICEF) to 35,000 (Ministry of Social Affairs).[2361]

The National Child Protection Act (Law No. 23 of 2002) requires the government to provide a minimum of 9 years basic education. The Act also stipulates that the government will provide free education or assistance to needy and vulnerable children.[2362] In addition, Law No. 20 of 2003 on National Education provides for free, compulsory, basic education for children ages 7 to 15 years. As of 2003, the 9 years of compulsory education are not fully funded, although the government does provide some scholarships for poor children.[2363] However, there are impediments to children attending school. Many families cannot afford related costs, such as entrance fees, uniforms, supplies, and fees for parent-teacher associations.[2364] Other obstacles also exist, such as

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[2358] U.S. Department of State, *Country Reports- 2004: Indonesia*, Section 5. See also ECPAT International CSEC Database, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=77&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry (Indonesia; accessed June 6, 2005). See also Rosenberg, *Trafficking of Women and Children in Indonesia*, 19.

[2359] U.S. Department of State, *Country Reports- 2004: Indonesia*, Section 6d. See also ILO-IPEC, *Assessing the Situation of Children in the Production, Sales, and Trafficking of Drugs in Indonesia, the Philippines and Thailand*, project document, RAS/02/P52/USA, Geneva, September 2001, 8.

[2360] U.S. Embassy- Jakarta, official, email communication to USDOL official, August 8, 2006. See also Coalition to Stop the Use of Child Soldiers, *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict,* [online] 2004 [cited June 6, 2005]; available from http://hrw.org/reports/2004/childsoldiers0104/childsoldiers.pdf. See also The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Indonesia*, 2004; available from http://www.child-soldiers.org/document_get.php?id=852. See also U.S. Embassy- Jakarta, *reporting*, September 8, 2004.

[2361] U.S. Embassy--Jakarta, *reporting*, January 20, 2005. See also VAO News, *Indonesia Moves to Protect Children in Aceh,* January 2005 [cited June 9, 2005]; available from http://www.voanews.com/english/2005-01-12-voa62.cfm?renderforprint=1.

[2362] Republic of Indonesia, *National Child Protection Act*, Law No. 23, (2002), Articles 48, 53; available from http://www.ri.go.id/produk_uu/uu-2002.htm.

[2363] U.S. Embassy- Jakarta, *reporting*, August 19, 2003. See Katarina Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski, Special Rapporteur, in accordance with Commission resolution 2002/23: Addendum, Mission to Indonesia, 1-7 July 2002*, UN Document E/CN.4/2003/9/Add.1, 59th Session, Item 10 of the Commission on Human Rights, Geneva, October 18, 2002, para. 17.

[2364] Peter Stalker, *Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis*, UNICEF Innocenti Research Centre, Florence, 2000, 19.

distance to schools[2365] and the destruction of schools in conflict areas.[2366] The UN estimates that up to a quarter of all Indonesian children are educated in religious schools.[2367]

In 2002, the gross primary enrollment rate was 112 percent and the net primary enrollment rate was 92 percent.[2368] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Indonesia.[2369] As of 2001, 89 percent of children who started primary school were likely to reach grade 5.[2370] There is a higher rate of completion of lower secondary school among youths from urban areas as compared to rural areas.[2371]

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Indonesia. The Manpower Development and Protection Act of 2003 prohibits the employment of children, defined as an individual under 18 years old. Additionally, employing and involving children in the worst forms of child labor are prohibited under the act and failure to comply can result in criminal sanctions. The act defines the worst forms of child labor as slavery; use of children in prostitution, pornography and gambling; use of children for alcohol, narcotic, and addictive substance production and trade; and all types of work harmful to the health, safety and morals of the child.[2372] The act contains an exception for employing children aged 13 to 15 to perform light work that does not disrupt their physical, mental, and social development. A set of requirements is outlined for employment of children age 13 to 15 years, including a maximum of 3 hours of work,

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[2365] Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski*, para. 23.

[2366] Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. In the first four days of resumed conflict in May 2003, more than 280 schools were destroyed, affecting about 60,000 children. See Commission on Human Rights, *Rights of the Child: Annual Report of the Special Representative of the Secretary-General for Armed Conflict, Olara Otunnu*, Geneva, January 28, 2004, para. 28.

[2367] See Katarina Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski, Special Rapporteur, in accordance with Commission resolution 2002/23: Addendum, Mission to Indonesia, 1-7 July 2002*, UN Document E/CN.4/2003/9/Add.1, 59th Session, Item 10 of the Commission on Human Rights, Geneva, October 18, 2002, para. 17.

[2368] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2369] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[2370] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[2371] Sulistinah Achmad and Peter Xenos, "Notes on Youth and Education in Indonesia," *East-West Center Working Papers: Population Series* No. 108-18 (November 2001), 8-9.

[2372] Penalties for those employing children in the worst forms of child labor is imprisonment from 2 to 5 years. See Republic of Indonesia, *Manpower Development and Protection Act (no. 13)*, (March 25, 2003), Articles 26, 68, 69, 74, 183.

parental permission, and no disruption of schooling. There are no provisions for children age 16-17.

The National Child Protection Act also provides a legal basis for protecting children younger than 18 years from a variety of abuses, and prohibits the employment of children in the worst forms of child labor. Under Article 78 of the act, persons who expose children to such hazardous activities are liable to terms of up to 5 years of imprisonment and/or a possible maximum fine of 100 million Rupiah (USD 10,434). Additional specific legal sanctions are laid out for the offenses of commercial sexual exploitation (which would cover prostitution), child trafficking, involving children in the production or distribution of alcohol or narcotics, and involving children in armed conflict. The act also protects children in emergency situations, including natural disasters.[2373] Law No. 39 of 1999 on Human Rights includes 15 articles for the protection of child rights, including separate articles on the right to not be involved in armed conflict, and protection from economic and sexual exploitation.[2374] Decree No. 5 of 2001 on the Control of Child Workers calls for general programs to ban and abolish worst forms of child labor and improve family income, as well as specific programs for non-formal education and returning children to school by providing scholarships.[2375]

The Penal Code makes it illegal for anyone exercising legal custody of a child under 12 years of age to provide that child to another person, knowing that the child is going to be used for the purposes of begging, harmful work, or work that affects the child's health. The Code imposes a maximum sentence of 4 years of imprisonment for violations of this kind.[2376] The Penal Code also prohibits sexual intercourse with a female outside of marriage recognized to be less than 15 years old, engaging in an obscene act with a person below 15 years of age, and forcing or allowing sexual abuse of a child, with maximum penalties ranging from 7 to 12 years of imprisonment. The Penal Code also prohibits trafficking of women and boys, with a maximum penalty of 6 years of imprisonment for violations.[2377] Law No. 2/1988 on the Indonesian Armed Forces sets the minimum age for recruitment or enlistment into the armed forces at 18 years.[2378] The Ministry of Manpower and Transmigration issued two decrees to complement the existing legal child labor and trafficking framework, and to assist in ensuring the

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[2373] *National Child Protection Act*, Articles 59 - 60, 78 - 89. For currency conversion see FXConverter, [online] [cited June 9, 2005]; available from http://www.carosta.de/frames/convert.htm.

[2374] Law No. 39 as cited in ECPAT International, *Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in Indonesia*, December 2004, 17; available from http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/indonesia_report/Indonesia%20eng%20version.doc. See also Anis Hamim and Ruth Rosenberg, *Review of Existing Counter Trafficking Legislation in Indonesia*, September 2002, 3; available from http://www.icmc.net/files/ctreviewe.en.pdf.

[2375] The Ministry of Home Affairs and Regional Autonomy is tasked with oversight. Republic of Indonesia, *Decree of the Minister of Home Affairs and Regional Autonomy on the Control of Child Workers*, Law No. 5, (January 8, 2001). Article 5.

[2376] Republic of Indonesia, *Criminal Code (KUHP)*. Article 301, as cited in Anis Hamim and Ruth Rosenberg, *Review of Existing Counter Trafficking Legislation*, 7.

[2377] *Criminal Code (KUHP)*. Articles 287-291, 297, as cited in Anis Hamim and Ruth Rosenberg, *Review of Existing Counter Trafficking Legislation*, 3-6. See also ECPAT International, *Report on Laws and Legal Procedures*, 24-29.

[2378] The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

implementation and enforcement of the laws.[2379] Since 1999, the Government of Indonesia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2380]

Ministry of Manpower authorities at the provincial and district levels have the responsibility for enforcing child labor laws.[2381] The government reports a 10 percent increase in national funding, and a 20 percent increase in provincial funding between March 2004 and March 2005 to combat trafficking. However, according to the U.S. State Department, overall government funding remains inadequate to effectively address the issue.[2382] The national police's anti-trafficking unit and other law enforcement bodies have increased efforts to combat trafficking of children. In 2004, the government reported 141 trafficking-related investigations, 51 prosecutions, and 45 convictions.[2383] Despite these efforts, the U.S. State Department reports that the Indonesian government does not enforce child labor laws in an effective or thorough manner, due to a lack of resources and corruption. Additionally, the number of labor inspectors has reportedly decreased in recent years due to the government's decentralization process.[2384]

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

The 20-year National Plan of Action for the Elimination of the Worst Forms of Child Labor is currently in its first 5 year phase (2002-2006). The first phase focuses on mapping child labor problems, raising awareness, and eliminating five priority worst forms of child labor: off-shore fishing and diving; trafficking for purposes of prostitution; mining; footwear production; and drug trafficking.[2385] The National Plan of Action of Human Rights in Indonesia (2004-2009) contains a specific objective on protecting the rights of the child, with a series of activities aimed at combating trafficking, and protecting against sexual exploitation, pornography, and worst forms of child labor.[2386] The Government of Indonesia is currently implementing its National Program for

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[2379] The decrees were issued in 2003 and 2004, and continue to be in effect. The 2003 decree (Kep-235/Men/2003) regulates forms of labor that pose a risk to the health, safety, and morals of the children. The 2004 decree (Kep-115/Men/VII/2004) provides protection for working children to develop their talents and interests. See Embassy of the Republic of Indonesia, *Indonesia's Activities on the Elimination of the Worst Forms of Child Labor: 2003-2004*, Washington, DC, August 19, 2004, 1. See also Embassy of the Republic of Indonesia, *Information Series on Indonesian Effort in Combating Trafficking in Persons: August 2003*, Washington, DC, August 25, 2003, 1.

[2380] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[2381] U.S. Embassy- Jakarta, *reporting,* September 8, 2004.

[2382] U.S Embassy Jakarta, *reporting*, March 2, 2005.

[2383] U.S. Department of State, *Trafficking in Persons Report*.

[2384] U.S. Embassy- Jakarta, *reporting,* August 19, 2003. See also U.S. Department of State, *Trafficking in Persons Report*.

[2385] Presidential Decree No. 59 established the Action Plan on August 13, 2002. Republic of Indonesia, *The National Plan of Action WFCL*, 15-16.

[2386] Republic of Indonesia, *Decree No. 40 on the National Plan of Action of Human Rights in Indonesia for 2004-2009*, 2004; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IDN&p_classification=01.05&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

Children 2015, which addresses issues such as child protection and ensuring 9-year basic education, amongst others.[2387]

The National Plan of Action to Combat the Trafficking of Women and Children and the National Plan of Action to Combat Commercial Sexual Exploitation are in place to assist with reducing trafficking and commercial sexual exploitation.[2388] In support of these plans, the government has several initiatives and activities ongoing. The government has a national campaign against commercial sexual exploitation of children, focusing on the link to tourism.[2389] Local governments of Batam and Bali have followed up with funding for the program, including establishing two new shelters for trafficking victims in Batam.[2390] Other shelters have also been established in Dumai and Riau Province. The Foreign Affairs Ministry operates shelters at its embassies and consulates in several countries including Kuwait, Malaysia, and Saudi Arabia.[2391] In March 2005, the Indonesian National Police signed a Memorandum of Understanding to establish the first ever medical recovery center for victims of trafficking in Jakarta.[2392] The People's Welfare Coordinating Ministry and the Women's Empowerment Ministry lead the National Anti-trafficking Task Force, with responsibility to monitor anti-trafficking efforts and produce annual trafficking reports.[2393] The government maintains the Commission for the Protection of Indonesian Children, which is responsible for collecting data and undertaking studies on specified child-related topics, receiving complaints, and advising the government on issues of public education.[2394]

The National Medium Term Development Plan (2004-2009) recognizes the problem of child labor and supports the implementation of the National Plan on the Elimination of the Worst Forms of Child Labor.[2395] The Indonesia Poverty Reduction Strategy (2005-2009) includes objectives of preventing exploitation and the worst forms of child labor, increasing protection for street children and child workers, and preventing child trafficking. In the proposed monitoring and evaluation system, it also has a 2009 target to decrease the number of child trafficking cases.[2396] The 25th General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO), of which Indonesia is a member, adopted the Resolution on the Prevention and Eradication of the Worst Forms of Child

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[2387] Embassy of the Republic of Indonesia, *Indonesia Country Report on the Elimination of the Worst Forms of Child Labor*, Washington, March 2005, 3.
[2388] Ibid., 7-8.
[2389] U.S. Embassy- Jakarta, *reporting,* August 19, 2003.
[2390] U.S. Embassy- Jakarta, *reporting,* September 8, 2004. See also U.S Embassy- Jakarta, *reporting*, March 2, 2005.
[2391] U.S Embassy- Jakarta, *reporting,* March 2, 2005.
[2392] IOM, *Indonesia: Providing Assistance to Victims of Trafficking,* [online] March 2004 [cited June 20, 2005]; available from http://www.iom.int/en/news/pbn040305.shtml.
[2393]U.S Embassy Jakarta, *reporting,* March 2, 2005.
[2394] U.S. Embassy- Jakarta, *reporting,* September 8, 2004. Article 74 of the Child Protection Act legally required the establishment of the Commission. See also *National Child Protection Act*. Articles 74, 76.
[2395] The Plan was formalized through Presidential Regulation No 7-2005 in February 2005. See ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Time Bound Programme for the Elimination of the Worst Forms of Child Labour*, technical progress report, Geneva, March 2005, 2. See also Embassy of the Republic of Indonesia, *Country Report on the Elimination of the WFCL*, 4.
[2396] ILO-IPEC, *Support to the Time Bound Programme, technical progress report March 2005.*

Labor. The resolution commits members to taking comprehensive action to remove children from hazardous and sexually exploitative work, and to raise awareness of the dangers associated with such work.[2397]

The Government of Indonesia is participating in a USD 4.1 million USDOL-supported ILO-IPEC Timebound Program to progressively eliminate the worst forms of child labor. The program is being implemented from 2004-2007 and is initially focusing on the 5 priority sectors of the National Plan of Action.[2398] In support of the Timebound Program, USDOL also launched a USD 6 million Education Initiative project to combat child trafficking in Indonesia.[2399] The Government of Indonesia is also participating in two regional USDOL-funded projects dealing with anti-trafficking[2400] and awareness-raising to eliminate the worst forms of child labor.[2401] USAID, working through the Ministry for Women's Empowerment, supports a program aimed to address the problem of trafficking in women and children.[2402] The U.S. State Department supports a project that provides technical assistance and policy advocacy training to help local governments establish and implement policies to reduce vulnerability to trafficking.[2403] President Bush has also included Indonesia in his USD 50 million anti-trafficking-in-persons initiative.[2404]

After the December 2004 tsunami, Indonesian government officials took immediate action to protect children in Aceh from potential trafficking and exploitation. The government implemented a measure disallowing children under the age of 16 to travel

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[2397] The resolution was adopted in September 2004. See AIPO, *Resolution on the Prevention and Eradication of the Worst Forms of Child Labour*, September 2004; available from http://www.national-assembly.gov.kh/aipo_social_matters.htm.

[2398] Embassy of the Republic of Indonesia, *Information Series on Indonesian Effort in Combating Trafficking in Persons: May 2004*, Washington, May 2004, 1. See also ILO-IPEC, *Support to the Time Bound Programme, technical progress report March 2005*, 1.

[2399] The project period is September 2004- March 2009. The focus of the project is children who are trafficked for commercial sexual exploitation and domestic service and is being implemented by Save the Children Federation and International Organization for Migration. See U.S. Department of Labor, *Enable Program: Enabling Communities to Combat Child Trafficking through Education,* [ILAB Technical Cooperation Project Summary] 2004.

[2400] The anti-trafficking project began in September 2002 and covers Bangladesh, Nepal, Sri Lanka, Pakistan, Indonesia and Thailand. See ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, technical progress report, Geneva, March 2005, 1. See also ILO-IPEC, *IPEC Action against Child Labour: Highlights 2004*, October 2004, 22; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.

[2401] This awareness raising project began in 2001 and covers Indonesia, Philippines, Thailand and Vietnam. See ILO-IPEC, *APEC Awareness Raising Campaign: Eliminating the Worst Forms of Child Labour and Providing Educational Opportunities*, technical progress report, Geneva, March 2005, 1. See also ILO-IPEC, *IPEC Action against Child Labour*, 22.

[2402] The program aims to counter trafficking through prevention programs, providing services, and improving counter-trafficking policies, legislation and law enforcement. International Catholic Migration Commission, *Overview of ICMC Counter-Trafficking Programming: Indonesia,* [online] n.d. 2005 [cited June 7, 2005]; available from http://www.icmc.net/docs/en/programs/cotraff#4. See also U.S. Embassy-Jakarta, *reporting*, February 25, 2002.

[2403] U.S. State Department, *U.S. Spearheads Women's Programs in East Asia, Pacific,* [online] February 2005 [cited June 7, 2005]; available from http://usinfo.state.gov/dhr/Archive/2005/Feb/23-799318.html.

[2404] The President's initiative will extend assistance to prosecutors as well as police to help enforce anti-trafficking laws in Indonesia. See U.S. Embassy--Jakarta, *reporting*, May 21, 2004.

outside the province or country if unaccompanied by direct relatives. The National Police issued child trafficking alert bulletins, and posted female officers at key gateways to interview women and children leaving Aceh. A child registration system was established, as well as temporary shelters for the children.[2405] The U.S. State Department approved an allocation of their funds to be used by IOM in Aceh to reduce the vulnerability and incidences of trafficking of women and orphaned children in the tsunami-stricken areas.[2406] USDOL funded a USD 1.5 million addendum to the ILO-IPEC Timebound Program, and a USD 2.5 million addendum to the Education Initiative project to focus on addressing the vulnerability of children to worst forms of child labor in the tsunami-stricken areas.[2407]

The U.S. Government, international financial institutions, and international development agencies continue to assist the Government of Indonesia in its efforts to improve the quality of and access to education. In addition to the USDOL Education Initiative project and in response to the Government of Indonesia's priorities, President Bush announced large-scale U.S. funding for an education program in Indonesia for the years 2004-2009. The total amount of U.S. funding pledged over the five-year period is USD 157 million.[2408] In support of this, USAID launched a 6-year basic education program for the same time period that aims to increase basic education completion rates; improve student performance; improve quality of education; provide formal and non-formal education opportunities; and strengthen education management and governance.[2409] Under the "Indonesian-Australian Partnership in Basic Education" program, the Australian Agency for International Development supports Indonesia in its efforts to build capacity to manage and deliver quality basic education services.[2410] The World Bank is providing funding for two education projects that aim to maintain primary and junior secondary enrollment rates for the poor, initiate district institutional educational reform, and

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[2405] U.S. Embassy--Jakarta, *reporting,* January 20, 2005. See also VAO News, *Indonesia Moves to Protect Children*. See also CNN.com, *Traffickers Threaten Aceh Orphans,* [online] 2005 [cited February 1, 2005]; available from http://www.cnn.com/2005/WORLD/asiapcf/01/04/indonesia.children/index.html.

[2406] IOM, *Tsunami Affected Countries—Counter Trafficking Activities,* [online] January 2005 [cited June 2, 2005]; available from www.iom.int/en/news/pbn140105.shtml.

[2407] ILO-IPEC, *Addendum to Support the Indonesian National Plan of Action and the Development of the TimeBound Programme for the Elimination of the Worst Forms of Child Labour*, project document, Geneva, February 2005, cover page. Federal Register, *Combating Exploitive Child Labor through Education in Indonesia and Nepal*, August 17, 2005; available from Federal Register, *Combating Exploitative Child Labor through Education in Indonesia and Nepal*, August 17, 2005; available from http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-16273.pdf.

[2408] USAID, *Indonesia Education Program Overview,* May 4, 2005 [cited June 7, 2005]; available from http://www.usaid.gov/id/about/edu.html. See also U.S. Embassy- Jakarta, *U.S. Education Initiative Program Summary – Indonesia,* [online] n.d. [cited July 12, 2005]; available from http://www.usembassyjakarta.org/press_rel/summary-education.html.

[2409] USAID, *Data Sheet: Indonesia Basic Education*, 2005; available from http://www.usaid.gov/policy/budget/cbj2005/ane/pdf/497-zzz.pdf. See also USAID, *Managing Basic Education project website,* [online] n.d. [cited June 7, 2005]; available from http://mbeproject.net/indexe.html.

[2410] The project is a 3-year, AUD 7.9 million (USD 5.9 million) project. See AUSAID, *Indonesia-Australian Partnership in Basic Education,* [online] December 2004 [cited June 9, 2005]; available from http://www.kangguru.org/ausaidprojects/december2004.htm. For currency conversion see FXConverter, *FXConverter December 6, 2005*.

improve the overall quality of education.[2411] The ADB supports a project which aims to improve poor children's enrollment, completion and learning outcomes for basic education, as well as supports decentralization of basic education management.[2412] UNICEF also works to support schools in parts of West Timor and the Malukus to address the effects of the civil conflict.[2413]

In response to the destruction of schools caused by the tsunami, international agencies are supporting the government's effort to rebuild education facilities. UNICEF, in collaboration with IOM, have set up 200 temporary schools in Aceh, and have begun construction on 300 primary schools and repairs on an additional 200 schools.[2414]

[2411] One of the components of each project is financing scholarships. The projects are very similar in design but focus on different areas of the country: Sulawesi and Eastern Islands, and Sumatera; both are scheduled to end in April 2006. See World Bank, *Sulawesi and Eastern Islands Basic Education Project,* [online] n.d. [cited June 6, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P041895. See also World Bank, *Samatera Basic Education Project,* [online] n.d. [cited June 6, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P040196.

[2412] ADB, *Decentralized Basic Education,* (LOAN: INO 31137-01), [online] [cited June 9, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/31137013.ASP.

[2413] Relief Web, *UNICEF Humanitarian Action: Indonesia Summary for 2005,* [online] January 31, 2005 [cited December 7, 2005]; available from http://www.reliefweb.int/rw/rwb.nsf/db900SID/HMYT-6CKQ6K?OpenDocument. See also UNICEF, *UNICEF Humanitarian Action Donor Update - Indonesia*, May 29, 2002; available from http://www.unicef.org/emerg/files/Emergencies_Indonesia_Donor_Update_290502.pdf.

[2414] UNICEF, *Tsunami Disaster: Countries in Crisis,* [online] May 2005 [cited June 6, 2005]; available from www.unicef.org/infobycountry/24615_27208.html. See also Relief Web, *Indonesia: Short and Long Term Tsunami Recovery,* [online] December 1, 2005 [cited December 7, 2005]; available from http://www.reliefweb.int/rw/rwb.nsf/db900SID/HMYT-6JMMH8?OpenDocument.

Iraq

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

Incidence and Nature of Child Labor

An estimated 11.6 percent of children ages 5 to 14 years were counted as working in Iraq in 2000. Approximately 14.7 percent of all boys 5 to 14 were working compared to 8.3 percent of girls in the same age group.[2415] In urban areas, children can be observed on the streets shining shoes; begging; scavenging through rubbish; carrying loads; and selling items such as gum, cigarettes, fruit, sweets, newspapers, DVDs, and tissues. Children are found working in shops, markets, and industrial crafts industries; on delivery trucks; and as ticket collectors on buses.[2416] Children are known to work for long hours and under hazardous conditions in automobile repair shops, construction sites, brick factories,[2417] and other types of industrial facilities.[2418] In rural areas, children are found tending livestock and performing seasonal manual labor.[2419]

[2415] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2416] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Iraq*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41722.htm. See also Craig Davis, *Working Paper: Child Labor in Iraq*, November 2, 2004. See also IRINnews, "Children work instead of going to school", IRINnews.org, [online], September 16, 2004 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=43204&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ. Working children suffer injuries, violent treatment, and sexual abuse, are exposed to dangerous chemicals, gases and other respiratory agents. See IRINnews, "Focus on child labour", IRINnews.org, [online], May 9, 2005 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=47022&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2417] Davis, *Working Paper: Child Labor in Iraq*. See also Coalition Provisional Authority, *Monthly Report, Social Welfare, South Iraq*, Coalition Provisional Authority, Basra, May, 2004; available from https://www422.ssldomain.com/uniraq/documents/Sitrep%20Social%20Affairs.pdf. See also Neela Banerjee, "Poverty and Turmoil Cripple Iraq Schools," *The New York Times* (March 14, 2004); available from http://www.nytimes.com/2004/03/14/international/middleeast/14LABO.html?ex=1394600400&en=202ddd0766e0048d&ei=5007&partner=USERLAND.

[2418] U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6d.

[2419] Davis, *Working Paper: Child Labor in Iraq*. See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6d.

There are reports of children working in prostitution and in organized crime, including the drug trade.[2420] Armed political groups such as Al-Sadr's *Jaysh al-Mahdi* and Kurdish armed forces have reportedly recruited children age 14 and younger as child soldiers.[2421] There are also reports of girls trafficked internally for sexual exploitation, and of Iraqi girls trafficked into the commercial sex industry in Yemen, Syria, Jordan, and other Gulf countries, some possibly in situations of debt bondage.[2422]

Iraq's Transitional Administrative Law (TAL) was in effect for most of the year, administered by the Transitional Government elected in January. A new Constitution was approved in a popular referendum in October, but the TAL remained in effect until a new parliament could be seated following Constitutionally-based elections in December.[2423] Both the TAL and the Constitution guarantee the right of education to every citizen, and the Constitution makes primary education mandatory.[2424] The Constitution also makes education at all levels free; however, under the regulations in effect during 2005, free education was provided only to children whose parents were both Iraqi citizens.[2425] In 2002, the gross primary enrollment rate was 110 percent and in 2000, the most recent year for which data are available, the net primary enrollment rate

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[2420] Coalition Provisional Authority, *Social Welfare, South Iraq*. See also IRINnews, "Focus on child labour."

[2421] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=966. See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 5. Recent news reports have stated that children of insurgents are being trained and encouraged to enter into the hostilities by their parents or relatives. See IRINnews, "Evidence of insurgents using child soldiers," IRINnews.org, [online], March 15, 2005 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=46117&SelectRegion=Middle_East&SelectCountry=IRAQ. See also Anonymous, "Child soldiers square up to US tanks," Daily Telegraph online, [online], August 23, 2004 [cited December 8, 2005]; available from http://www.telegraph.co.uk/core/Content/displayPrintable.jhtml;jsessionid=CPNLPAPLW0GVHQFIQMFCFFOAVCBQYIV0?xml=/news/2004/08/23/wirq23.xml&site=5.

[2422] U.S. Department of State, *Country Reports- 2004: Iraq*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from www.state.gov/g/tip/rls/tiprpt/2005/46617.htm. According to news reports, Iraqi officials have reported a significant increase in teenagers exploited in prostitution, particularly boys, estimating their numbers to be in the hundreds. See IRINnews, "Focus on boys trapped in commercial sex trade," IRINnews.org, [online], August 8, 2005 [cited September 27, 2005]; available from http://www.irinnews.org/print.asp?ReportID=48485.

[2423] Iraqi Transitional Government, *Iraq's Path to Democracy: Key Dates,* Iraqi Transitional Government, [online] n.d. [cited December 7, 2005]; available from http://www.iraqigovernment.org/Content/Democracy/English/Democracy_en.htm. See also *Transitional Administrative Law*, (March 8, 2004), Preamble, Article 2; available from http://www.cpa-iraq.org/government/TAL.html. See also *Draft Iraqi Constitution (as approved in popular referendum)*, (October 15, 2005), Article 138; available from http://www.iraqigovernment.org/index_en.htm.

[2424] *Transitional Administrative Law*, Article 14. See also *Draft Iraqi Constitution (as approved in popular referendum)*, Article 34.

[2425] *Draft Iraqi Constitution (as approved in popular referendum)*, Article 34. Iraqi citizenship is determined by the father's nationality, so children of Iraqi mothers and foreign fathers were not considered citizens and were not eligible for free education. Fees charged for education were approximately USD 1,000 per child per year. See IRINnews, "Children of mixed marriages protest official discrimination," IRINnews.org, [online], December 12, 2005 [cited December 16, 2005]; available from http://www.irinnews.org/print.asp?reportID=50618.

was 91 percent.[2426] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 60.5 percent of children ages 5 to 14 years were attending school.[2427] As of 1998, 66 percent of children who started primary school were likely to reach grade 5.[2428] There are reports that dropout rates are on the rise, due to pervasive child labor and families' concerns over their children's security.[2429] More girls have dropped out than boys, decreasing the ratio of girls to boys attending primary school.[2430] Due to ongoing violence, thousands of schools have been destroyed, damaged or looted, and many lack basic water or sanitation facilities.[2431] Books are in short supply, further hampering children's education.[2432] In some parts of the country, schools were closed in late 2004 and early 2005 due to the conflict.[2433]

Child Labor Laws and Enforcement

The Labor Law of 1987, as amended by Coalition Provisional Authority (CPA) Order 89 of May 2004 and incorporated into the TAL,[2434] sets the minimum age for employment at 15 years.[2435] The Order prohibits the employment of anyone under the age of 18 years in work that is detrimental to the worker's health, safety, or morals.[2436] It also establishes a

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[2426] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2427] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*. For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

[2428] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[2429] U.S. Department of State, *Country Reports- 2004: Iraq*, Section 5. See also IRINnews, "Children work." See also IRINnews, "Focus on child labour."

[2430] Save the Children, *State of the World's Mothers Report 2005: The Power and Promise of Girls' Education*, Westport, CT, May, 2005, 20; available from http://www.savethechildren.org/mothers/report_2005/images/SOWM_2005.pdf.

[2431] UNICEF, *Iraqi children still committed to education despite ongoing violence,* UNICEF, [online] March 31, 2005 [cited June 29, 2005]; available from http://www.unicef.org/infobycountry/iraq_25823.html.

[2432] IRINnews, "Lack of books affecting children's education," IRINnews.org, [online], October 13, 2004 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=43643&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2433] IRINnews, "Extra semester for Fallujah students," IRINnews.org, [online], March 22, 2005 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=46245&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2434] See also U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6.

[2435] *CPA Order 89*, Article 90.1; available from http://www.iraqcoalition.org/regulations/20040530_CPAORD89_Amendments_to_the_Labor_Code-Law_No.pdf. See also Government of Iraq, *Act No. 71 Promulgating the Labour Code*, (July 27, 1987), Article 91. See also Craig Davis, "Reinserting labor into the Iraqi Ministry of Labor and Social Affairs," *Monthly Labor Review* 128 no. 6 (June, 2005), 56; available from http://www.bls.gov/opub/mlr/2005/06/intlrpt.pdf.

[2436] The types of employment forbidden include work conducted underground and underwater, work involving dangerous machinery, in an unhealthy environment or under strenuous conditions, such as

maximum 7-hour workday, provides a required daily rest period of 1 hour after 4 hours of work, and requires a 30-day paid vacation each year for employees under the age of 18 years. It further requires a pre-employment medical examination for workers of this age group and certification of the worker's fitness. Employers must maintain a register of names of workers in this age group, post at the workplace a copy of the labor provisions protecting young persons, and keep medical fitness certificates on file available for labor inspectors. However, youths age 15 or older who are employed in family enterprises are excluded from most of these provisions.[2437]

Order 89 prohibits the worst forms of child labor. These are defined as all forms of slavery and practices similar to slavery, including debt bondage, forced labor, the sale and trafficking of children, and the compulsory recruitment of children for use in armed conflict; child prostitution; the use of children in illicit activities, including drug trafficking; and work likely to harm the health, safety or morals of children. The Order criminalizes promoting or benefiting from the aforementioned worst forms of child labor, as well as aiding those who exploit children through such activities. Penalties for violations range from imprisonment of 10 to 90 days, or fines from 12 times the daily minimum wage to 12 times the monthly minimum wage. Moreover, the Order requires the Iraqi government to design and implement action programs to eliminate the worst forms of child labor, including mechanisms to withdraw children from the worst forms and provide free basic education and vocational training to these children.[2438]

In addition, there are other statutes under which certain worst forms of child labor can be prosecuted. The Penal Code, which remained in effect under the Transitional Government, prohibits any form of compulsory or forced labor, including by children.[2439] The new Constitution also prohibits forced labor; furthermore, it prohibits trafficking of children and the sex trade in general.[2440] There is no compulsory conscription into the Iraqi armed forces, and the minimum voluntary recruitment age is 18.[2441]

The Ministry responsible for overseeing labor inspections, enforcement, vocational training, and child labor is the Ministry of Labor and Social Affairs (MOLSA).[2442]

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exposure to hazardous substances, loud noises, working long hours, and confinement to work premises. See *Order 89*, Articles 91.1 and 91.2.

[2437] Ibid., Articles 92, 93, 94, 96.

[2438] Ibid., Articles 91, 97.

[2439] Davis, *Working Paper: Child Labor in Iraq*. See also U.S. Department of State, *Country Reports-2004: Iraq*, Section 6c.

[2440] *Draft Iraqi Constitution (as approved in popular referendum)*, Article 35. Some observers believe this general prohibition of the sex trade represents a strong step toward legal recognition of trafficked persons as victims, and protection of their rights. Iraq's previous *Law No. 8 Combating Prostitution (1988)* only outlawed engaging in, facilitating, or exploiting prostitution, or maintaining a brothel. See Mohamed Mattar, *Article 35 of the New Iraqi Constitution: Recognition of Trafficking in Women and Children as a Specific Crime,* The Protection Project, [online] September 19, 2005 [cited December 7, 2005]; available from http://www.protectionproject.org/imm.htm.

[2441] Coalition to Stop the Use of Child Soldiers, *Global Report 2004*.

[2442] Order 89 designates the "Ministry in charge of labor or Ministry in charge of health or both" as the "competent authority." Responsible for oversight and enforcement. See *Order 89*, Article 92.7. In

MOLSA established a dedicated Child Labor Unit in 2004.[2443] According to the U.S. Department of State, MOLSA had limited ability to enforce any labor laws due to the security situation, critically low staffing, and a lack of funding.[2444] The Ministry of Interior has responsibility for trafficking issues.[2445] The Iraqi Police are generally trained to identify, develop, and prosecute trafficking cases, although this training is currently suspended due to an increased emphasis on building security-related skills in the police force.[2446]

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

Although the MOLSA has established a Child Labor Unit, the U.S. Department of State reports that the Unit has not received sufficient budgetary allocations to carry out its work effectively.[2447] The Ministry of Public Works and Social Affairs (MOPWSA) has initiated a program of stipends to ex-child laborers to keep them out of work and to support their schooling. MOPWSA also supports Mercy House in Baghdad, a facility providing support services to ex-street children and other vulnerable populations.[2448] USAID is funding a project to build the capacity of MOLSA to operate a network of vocational training and employment service centers throughout Iraq.[2449] In addition, the Kurdish Ministry of Health and Social Affairs and Kurdish provincial governments support a number of projects to eliminate child labor in the north, including rehabilitation and education centers for working street children.[2450]

With the support of a variety of governments and NGOs, the Ministry of Education (MOE) continues its work to rebuild the education system. Throughout 2005, the MOE worked with the U.S. Army Corps of Engineers to identify and approve 800 schools across Iraq for renovations, as part of the USD 86 million Iraq Relief Reconstruction Fund project. Most of the school renovations were completed before the beginning of the school year in September.[2451] In the southern provinces of Iraq, the project improved

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addition, the 1987 Labor Code explicitly designates MOLSA as the ministry responsible for labor-related issues. See *Act No. 71 Promulgating the Labour Code*, Articles 15, 46, 66, 90, 113, 116, and others.

[2443] Davis, "Reinserting labor into the MOLSA," 55.

[2444] U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6.

[2445] Ibid., Section 5.

[2446] U.S. Department of State, *Trafficking in Persons Report*.

[2447] U.S. Department of State, *Country Reports- 2004: Iraq*, Section 6d.

[2448] IRINnews, "Focus on child labour." See also IRINnews," New social programme assists the poor and vulnerable", IRINnews.org, [online], March 31, 2005 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=46404&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2449] Portal Iraq, *Employment: Iraq works on vocational training, employment services,* Heartington Invest and Trade Inc., [online] March 13, 2005 [cited July 1, 2005]; available from http://www.portaliraq.com/news/Iraq+works+on+vocational+training,+employment+services__1111116.html.

[2450] Davis, *Working Paper: Child Labor in Iraq*.

[2451] U.S. Army Corps of Engineers, "Another 43 Iraqi Schools Funded and Approved for Rehabilitation", Army Corps of Engineers Gulf Region Division website, [online], August 6, 2005 [cited September 27, 2005]; available from http://www.grd.usace.army.mil/news/releases/recon080605.html. See also IRINnews, "New school repair project starts in the south", IRINnews.org, [online], October 21, 2004 [cited

school conditions for more than 80,000 children.[2452] With the goal of getting children back into school, UNICEF is assisting the MOE with a USD 40 million project to distribute over 6 million backpacks and other school supplies.[2453] WFP supported the MOE and MOH to provide daily meals to all primary school children in Iraq, as part of a program to improve child health and increase school attendance.[2454] The MOE also launched an educational television channel to transmit school lessons to children who could not attend school due to the security situation.[2455]

USAID supported the government in a number of education-related projects; for example, repairing and furnishing more than 2,500 schools; distributing hundreds of thousands of desks, chairs, cabinets, chalkboards, and school kits to schoolchildren; conducting an accelerated learning program for more than 550 out-of-school youth; and updating and distributing more than 8.7 million math and science textbooks nationwide.[2456] The World Bank is also funding two education-related efforts in cooperation with the MOE. The USD 55 million Iraq Emergency Textbook Provision Project is producing and distributing textbooks and learning materials to primary and secondary schools,[2457] and the USD 60 million Emergency School Construction and Rehabilitation Project is repairing and rehabilitating primary and secondary schools.[2458] In November, the World Bank also approved a USD 100 million loan for the Third Emergency Education Project (TEEP), which aims to alleviate overcrowding in schools and to further the process of education reform in Iraq. The TEEP will be Iraq's first World Bank loan in over 30 years.[2459]

June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=43783&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2452] Suzanne M. Fournier, "Eighty thousand students in south Iraq benefit from improved schools", U.S. Army Corps of Engineers, Gulf Region Division, [online], November 12, 2005 [cited December 8, 2005]; available from http://www.grd.usace.army.mil/news/releases/recon111205.html.

[2453] IRINnews, "Focus on getting children back to school", IRINnews.org, [online], December 7, 2004 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=44551&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2454] IRINnews, "Primary school nutrition programme to broaden reach", IRINnews.org, [online], November 7, 2005 [cited December 8, 2005]; available from http://www.irinnews.org/print.asp?ReportID=49952.

[2455] IRINnews, "MoE to launch education channel", IRINnews.org, [online], April 13, 2005 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=46611&SelectRegion=Middle_East&SelectCountry=IRAQ.

[2456] USAID, *Assistance for Iraq: Education,* USAID, n.d. [cited December 7, 2005]; available from http://www.usaid.gov/iraq/accomplishments/education.html. See also USAID, *Assistance for Iraq*.

[2457] World Bank, *Project Information Document: Iraq: Emergency Textbook Provision Project*, Washington, DC, May 14, 2004; available from http://siteresources.worldbank.org/IRFFI/64168382-1092418978875/20266685/IraqTextbook-PID.pdf.

[2458] World Bank, *Project Information Document: Iraq: Emergency School Rehabilitation Project*, Washington, DC, April 21, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/04/22/000160016_20040422173641/Rendered/PDF/AB7271Iraq0Rehab0PID010PUBLIC.pdf.

[2459] World Bank, *Iraq: World Bank Approves First IDA Credit*, press release, Washington, D.C., November 29, 2005; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20736434~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

Jamaica

Selected Child Labor Measures Adopted by Governments		
Ratified ILO Convention 138	10/13/2003	
Ratified ILO Convention 182	10/13/2003	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Orphans and Children made Vulnerable by HIV/AIDS)		

Incidence and Nature of Child Labor

An estimated 0.9 percent of children ages 5 to 14 years were counted as working in Jamaica in 2002. Approximately 1.2 percent of all boys 5 to 14 were working compared to 0.6 percent of all girls in the same age group. The majority of working children were found in the services sector (52.4 percent), followed by agricultural (30.6 percent), manufacturing (7.6 percent), and other sectors (9.4 percent).[2460] A 2002 survey found that working children were found primarily in service industries (wholesale, retail, hotels, and restaurants), followed by agriculture, forestry, and fishing. More boys were found working on agricultural sites and on the street, while nearly half of the girls were reported working in shops, markets, stalls, or family dwellings in 2002.[2461] Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population in Jamaica were living on less than USD 1 a day.[2462]

A 2001 study funded by ILO-IPEC reports that children as young as 10 years old are sexually exploited in prostitution, catering to tourists.[2463] Young girls are exploited in bars, massage parlors, and "go-go" clubs.[2464] In 2004, reports of sexual crimes against

[2460] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2461] Due to the small number of working children found in the survey, the percentages given should be interpreted with caution. Kristin Fox, Statistical Institute of Jamaica (STATIN), Statistical Information and Monitoring Program and Child Labour (SIMPOC) of ILO, and UNICEF, *Report of Youth Activity Survey 2002*, June 2004.

[2462] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2463] Leith L Dunn and ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, p. 13. ECPAT International notes that Montego Bay, Kingston, Port Antonio, and Negril are areas with a high incidence of child prostitution. See also ECPAT International, *Jamaica,* in ECPAT International, [database online] [cited June 27, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[2464] Dunn and ILO-IPEC, *Situation of Children in Prostitution*, 13, 14. See also ECPAT International, *Ecpat Database*.

children concerned only girls.[2465] Children are trafficked internally for sexual exploitation.[2466]

Public primary education in Jamaica is reported to be free, universal, and compulsory for children from ages 6 to 11.[2467] While 12-year-olds may be in primary school, the Education Act defines "primary student" as a child younger than twelve at the commencement of the school year.[2468] The Education Act does not specify compulsory school age, but gives the Education Minister authority to "declare" compulsory school age specific to a school area.[2469] The Education Act holds parents responsible for ensuring that children of compulsory age attend school regularly.[2470] In 2002, the gross primary enrollment rate was 100 percent, and the net primary enrollment rate was 95 percent.[2471] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 98.9 percent of children ages 5 to 14 years were attending school.[2472] As of 2001, 90 percent of children who started primary school were likely to reach grade 5.[2473] Reports indicate that some local schools and parent teacher organizations collect fees from children and their parents.[2474] Parents who cannot afford these school fees may keep their children home to help with housework.[2475] Besides money problems, lack of interest in school and pregnancy were other major reasons children between the ages of 12 and 16 cited for dropping out of school.[2476]

Child Labor Laws and Enforcement

According to the ILO-IPEC, the Child Care and Protection Act of 2004 has increased the minimum age for employment from 14 to 15 years of age, and increased the age range for light work from 12-14 to 13-15 years.[2477] Forced labor is not specifically banned;

[2465] UNICEF, *Situation Analysis of Jamaican Children, update*, February 2005. However, it has been reported that male street children are also vulnerable to sexual exploitation to meet basic needs. See ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, project document, JAM/P50/USA, Geneva, June 2001, 7.
[2466] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm.
[2467] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Jamaica*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41766.htm.
[2468] *The Education Act*, Article 2; available from http://www.moj.gov.jm/laws/statutes/The%20Education%20Act.pdf.
[2469] Ibid., Article 20.
[2470] Ibid., Article 21.
[2471] UNESCO Institute for Statistics, *Gross and Net Enrollment Ratios, Primary; accessed December 2005*; available from http://wwstatus.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51.
[2472] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[2473] UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=55.
[2474] U.S. Embassy- Kingston, *reporting*, October 1, 2001.
[2475] U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 5.
[2476] UNICEF, *Situation Analysis, update 2005*.
[2477] ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labor and SIMPOC Survey*, Final Technical Report, JAM/01/P50/USA, December 2004. The Judicature (Juvenile Courts and

however, with the exception of child prostitution, no other form of forced labor has been reported.[2478] The Criminal Code prohibits procuring a child younger than 18 years of age for the purpose of prostitution and allows for punishments up to 3 years of imprisonment.[2479] There is limited information available on prosecutions or convictions for offenses related to prostitution, but it is reported that since fines have not kept pace with the depreciation in the exchange rate, judges often impose criminal penalties in lieu of fines.[2480] The minimum age for voluntary recruitment to the military in Jamaica is 18 years. Minors of at least 17.5 years of age may voluntarily enlist for training with parental consent, but they must be 18 years old upon graduating from training.[2481]

The Government of Jamaica has few laws that regulate the worst forms of child labor. The Criminal Code protects those younger than 18 years of age from forced prostitution.[2482] The Child Care and Protection Act of 2004 prohibits the sale or trafficking of any child, and penalizes violators with a maximum of 10 years of imprisonment and a fine.[2483] However, according the U.S. Department of State, the term "trafficking" is not clearly defined in the Act, resulting in difficulty in enforcing the statute.[2484] Since 1999, the Government of Jamaica has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2485]

The police are authorized to conduct labor inspections, and the Child Development Agency (CDA) is responsible for ensuring service provision to working children.[2486] However, the lack of labor inspectors dedicated to this task contributes to the challenge of effective enforcement, as does the fact that child labor is likely to occur more often in informal sectors. During 2005, the Ministry of Labor and Social Security has reviewed an Occupational Health and Safety Act (OHSA), which would allow for the creation of a body of labor inspectors. The Act is currently under review by the Chief Parliamentary Council.[2487] Under the Juveniles Act, child labor violators can be subject to a fine or 3

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other Courts Validation and Indemnity) Act, which was passed in 2005, further substantiates this study. The Judicare Act states that the Child Care and Protection Act repeals the Juveniles Act, which had set the minimum age as 12. *Judicature (Juvenile Courts and other Courts, Validation and INdemnity) Act*. See also *Juveniles Act of 1951*. There is some discrepancy, however, with other reports. The U.S. Department of State, for instances, notes that the Child Care and Protection Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.

[2478] *Juveniles Act*. See also U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6c.

[2479] Government of Jamaica, *Criminal Code,* [database online].

[2480] U.S. Embassy- Kingston, *reporting*, October 22, 2002.

[2481] Coalition to Stop the Use of Child Soldiers, "Jamaica," in *Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=831.

[2482] Government of Jamaica, *Criminal Code*., Article 58.

[2483] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Embassy- Kingston, *reporting*, March 2, 2005.

[2484] U.S. Department of State official, electronic communication to USDOL official, May 24, 2005.

[2485] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.

[2486] U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.

[2487] U.S. Embassy- Jamaica official, email communication to USDOL official, August 11, 2006.

months of imprisonment.[2488] However, CDA officials reported difficulty in large-scale inspections and investigation of exploitative child labor due to insufficient funds.[2489] During 2005, the government established a police anti-trafficking unit and a task force to oversee trafficking policy coordination. It also appointed an anti-trafficking coordinator in the Office of the Prime Minister. In addition, the government increased the number of Children's Officers who work with child victims of trafficking from 45 to 70. The CDA has been operating 8 shelters for child victims and 12 hotlines for reporting exploitation.[2490]

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

According to the Ministry of Labor, an action plan to eliminate the worst forms of child labor in Jamaica has been drafted by the joint effort of the National Steering Committee on Child Labor, Ministry of Labor and Social Security officials, and other governmental and non-governmental organizations.[2491] The government is providing financial support to NGOs that are assisting child trafficking victims.[2492] Between 2003 and 2006, with support from UNICEF, the Ministry of Health's Child Development Agency is implementing a national plan of action for orphans and other children made vulnerable by HIV/AIDS. The plan seeks to build synergies and increase coordination among different Ministries and sectors, including labor and education.[2493]

The Ministry of Education has instituted a scholarship program to help parents pay school fees at the secondary level.[2494] The government and the World Bank implemented a Social Safety Net Program. The Program included an assistance component that provides grants to families with children at risk of dropping out of school and entering the workforce, in order to ensure that the children stay in school.[2495] The IDB and

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[2488] U.S. Embassy- Kingston, *reporting,* October 1, 2001.
[2489] U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.
[2490] Office of the Press Secretary White House Press Release, "Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons," (Washington, DC), September 21, 2005.
[2491] Jamaica Information Service, *Government Partners with ILO to Curb Child Labour,* [online] May 22, 2005 [cited June 27, 2005]; available from http://www.jis.gov.jm/labour/html/20050520T180000-0500_5733_JIS_GOVERNMENT_PARTNERS_WITH_ILO_TO_CURB_CHILD_LABOUR.asp. See also U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 6d.
[2492] U.S. Department of State, *Country Reports- 2004: Jamaica*, Section 5.
[2493] Child Development Agency, *National Plan of Action for Orphans and Other Children Made Vulnerable by HIV/AIDS in Jamaica 2003-2006*, Ministry of Health, Kingston, October 2003; available from http://hivaidsclearinghouse.unesco.org/ev_en.php?ID=3240_201&ID2=DO_TOPIC.
[2494] U.S. Embassy- Kingston, *reporting,* October 1, 2001.
[2495] The program ended in December 2005. See World Bank, *Project Appraisal Document to Jamaica for a Social Safety Net Program*, August 9, 2001, 10; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/09/01/000094946_01081704011663/Rendered/PDF/multi0page.pdf.

USAID are funding programs to improve the quality of primary education, and another World Bank initiative is focusing on reforms to secondary education.[2496]

[2496] Ibid., 6. See also World Bank, *Project Information Document, Reform of Secondary Education Project II,* [online] June 24, 2005 [cited June 24, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071589.

Jordan

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/23/1998	
Ratified Convention 182	4/20/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Jordan are unavailable.[2497] According to a study by the Ministry of Labor (MOL) published in 2002, children who work are employed in automobile repair, carpentry, sales, blacksmith shops, tailoring, construction, and food services.[2498] Child vendors on the streets of the capital city of Amman work selling newspapers, food, and gum. Other children earn income for their families by rummaging through trash piles to find recyclable items.[2499] Due to deteriorating economic conditions, the number of working street children and child beggars may be greater now than it was 10 years ago.[2500] Many of these children are forced to beg by their parents.[2501] Working children are primarily concentrated in the governorates of Amman, Balqa, Irbid, Ma'an, and Zarka.[2502] Child labor is one of many problems associated with poverty. In 1997, the most recent year for which data are available, less than 2.0 percent of the population in Jordan were living on less than USD 1 a day.[2503]

Many working children are victims of physical, verbal, and sexual abuse in the workplace and are exposed to hazardous chemicals and dangerous working conditions.[2504] Jordan

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[2497] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2498] Mohammed Shahateet and Nihaya Issa Dabdub, *A Report on the Status of Child Labour in Jordan-2001*, The Jordanian Ministry of Labour, Amman, July 2002, 15-16.

[2499] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Jordan*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41724.htm.

[2500] Ibid. See also National Council for Family Affairs, *Jordan Country Study of Disadvantaged Children*, The Hashemite Kingdom of Jordan, Amman, May 2004, 29.

[2501] The Ministry of Social Development estimates that on average 20 child beggars are arrested daily and imprisoned until their parent or guardian picks them up. There is currently no fine or penalty assessed against the parents. See U.S. Embassy- Amman, *reporting*, August 28, 2005.

[2502] Dr. Mohammed Shahateet and Nihaya Issa Dabdub, *Estimating Child Labour in Jordan: 1991-2005*, The Jordanian Ministry of Labour, Amman, October 2002, 11. See also Ministry of Labor, *Towards a Healthy Environment for Children 2003*, Amman, 2003.

[2503] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[2504] Dr. Muntaha Gharaibeh and Dr. Shirley Hoeman, "Health Hazards and Risks for Abuse among Child Labor in Jordan," *Journal of Pediatric Nursing* 18 no. 2 (April 2003), 140, 143. See also Kamal S. Saleh, *Child Labour in Jordan*, Department of Statistics, Amman, 2003, 6-7. In industrial areas, the major occupational accidents reported are burns and injuries, such as accidents from sharp machines and

may also be a destination country for girls trafficked from South Asia and South East Asia, primarily from the Philippines, Sri Lanka, and Indonesia, for the purpose of labor exploitation and domestic service.[2505]

Basic education is mandated by the Jordanian Constitution for all children until the age of 16,[2506] and is provided virtually free in government-funded schools.[2507] In addition to free tuition in public schools, the government also provides food and transportation supplements to poor families and those with many children.[2508] The Ministry of Education (MOE) is required to open a school in every community where there are at least 10 students for grades 1 through 4.[2509] The Government of Jordan and the United Nations Relief and Works Agency (UNRWA) also have a long history of providing free education to Palestinian refugee children in Jordan.[2510] However, in recent years, the government has denied Iraqi refugee children admittance to school if they lack legal residence or official refugee status.[2511]

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materials, and burns from explosive gases and substances. See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "Report of the Committee of Experts on the Application of Worst Forms of Child Labour Convention, 1999 (No. 182): Jordan (ratification: 2000)" (paper presented at the 75th Session, Geneva, 2004); available from http://webfusion.ilo.org/public/db/standards/normes/appl/.

[2505] A small number of these girls may end up victims of involuntary servitude, or circumstances that amount to forced labor. See U.S. Embassy - Amman, *reporting*, May 27, 2005.

[2506] *Constitution of the Hashemite Kingdom of Jordan*, (1952), Chapter 2, Article 20; available from http://www.mfa.gov.jo/uploads/const.pdf. While education is compulsory through the tenth grade, no legislation exists to enforce the law or punish guardians for violating it, and children's absence from school does not carry a penalty. See U.S. Department of State, *Country Reports- 2004: Jordan*, Section 5.

[2507] Article 10 of the Education Act No. 3 of 1994 states that basic education is free and compulsory for Jordanian children. See Angela Melchiorre, *At What Age?are School-Children Employed, Married and Taken to Court?* Right to Education, Sweden, April 20, 2004, 81-82; available from http://www.right-to-education.org/content/age/. See also UNDP, *Jordan Human Development Report 2004: Building Sustainable Livelihoods*, prepared by Jordanian Ministry of Planning and International Cooperation and Jordanian Hashemite Fund for Human Development, 2004, 60; available from http://www.undp-jordan.org/jordan_hdr/JHDR_2004.pdf.

[2508] U.S. Department of State, *Country Reports- 2004: Jordan*, Section 5.

[2509] ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jordan*, project document, Geneva, September 2002, 5.

[2510] National Council for Family Affairs, *Jordan Country Study*, 25-26. UNRWA estimates that there are approximately 1.7 million refugees in Jordan, of whom about 644,000 are children. Of these children, UNRWA provides ten years of basic education schooling for 136,000 children, including 63,000 that attend UNRWA schools inside the refugee camps. In addition, eight centers for learning difficulties serve children with refugee status.

[2511] Prior to the war, there were several hundred thousand Iraqis residing in Jordan, and it is estimated that upwards of 500,000 Iraqis have fled Iraq into Jordan since the war began. See U.S. Department of State, *Country Reports- 2004: Jordan*, Sections 2d, 5. According to a recent UNICEF report, around 280 children ages 3 to 18 years are living within a "no-man's land" between the Jordanian and Iraqi borders and have not had access to education since September 2004. See UNICEF, *UNICEF Jordan - May 2005 Newsletter,* UNICEF, [online] n.d. [cited June 17, 2005]; available from http://www.unicef.org/jordan/resources_454.html.

In 2002, the gross primary enrollment rate was 99 percent and the net primary enrollment rate was 92 percent.[2512] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Jordan.[2513] As of 2001, 97 percent of children who started primary school were likely to reach grade 5.[2514] Males are more likely to drop out than females.[2515] The most commonly cited reasons for dropping out of school are poverty; disability; poor academic performance; indirect costs of schooling; poor school quality; physical distances to school; lack of transportation; early marriage; restricted mobility for girls; and the family's need for the child's labor both inside and outside the home.[2516]

Child Labor Laws and Enforcement

The Labor Code of 1996, which was amended in 2004, sets the minimum legal working age at 16 years and 18 years for hazardous jobs.[2517] Pursuant to the 2004 amendments, children under 18 years of age shall not perform work with mechanically operated equipment; work with oil and gas machines; work requiring scuba diving equipment; construction work; work in which the worker is exposed to noise, vibration, high air pressure, radiation, or dust; underground work; and work in offices, hotels, restaurants, or nightclubs.[2518] Minors must be given a rest break after 4 hours of work, are not allowed to work more than 6 hours per day, and may not work during weekends and holidays, or at night.[2519] Before hiring a minor, a prospective employer must obtain a guardian's

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[2512] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[2513] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for more information about sources used.

[2514] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[2515] From various research studies of enrollment and dropout rates for Jordanian children over a ten-year period (the number of years of mandatory schooling), estimates of total numbers of dropouts range from around 85,000 to 94,000. While this may constitute less than one percent of school-aged children in a given year, the cumulative number is significant in a country the size of Jordan. Those children who do not complete their education are at risk of low-paid employment, begging, violence and abuse, panhandling, getting in trouble with authorities, and abusing substances. See National Council for Family Affairs, *Jordan Country Study*, 13.

[2516] UNDP, *Jordan Human Development Report 2004*, 15, 52, 60-61, 111-112. See also National Council for Family Affairs, *Jordan Country Study*, 15, 22, 45, 73. See also Senator H.E. Dr. Rowaida Al-Maaitah, "Disadvantaged Children in Jordan" (paper presented at the Urban Children and Youth in the MENA Region, Dubai, May 17, 2005).

[2517] *Labour Code, Law No. 8 of 1996*, Chapter VIII, Sections 73-74; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45676/65048/E96JOR01.htm#c1. In February 2003, King Abdullah issued a royal decree requiring that the minimum age for employment of children working in hazardous occupations be raised from 17 to 18 years. Parliament has yet to pass the corresponding law, but draft legislation is pending approval and the Ministry of Labor has issued instructions to inspectors to enforce this change. U.S. Embassy- Amman, *reporting*, August 28, 2005.

[2518] ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."

[2519] *Labour Code of 1996*, Section 75. The Code does not specify the age of a minor. Young people are defined as individuals of either sex who have not yet reached 18 years of age. Elsewhere in the Code, the

written approval, the minor's birth certificate, and a health certificate.[2520] An employer that violates these provisions faces a fine ranging from 100 to 500 Dinars (USD 142 to 711). The fine doubles for subsequent infractions.[2521] Provisions in the Labor Code do not extend to children employed in the informal sector, which may include children working in agriculture, domestic service, and in small family enterprises.[2522]
The worst forms of child labor may be prosecuted under different statutes in Jordan. Compulsory labor is prohibited by the Constitution of Jordan.[2523] While the law does not specifically prohibit forced or bonded labor by children, such practices are not known to occur.[2524] The Military Service Act No. 2 prohibits voluntary enlistment into the government armed forces for children under 16 years of age, although children may be enlisted as cadets at the age of 15.[2525] A child may be legally recruited into the armed forces at age 17.[2526] The 1988 Law on Narcotic Drugs and Psychotropic Substances provides for the death penalty for anyone who uses a minor in the production, transportation, sale, or purchase of drugs.[2527] A Jordanian law specifically prohibits trafficking in children.[2528] It is illegal to induce a girl under the age of 20 to engage in prostitution or to entice any child under the age of 15 to commit sodomy. Sanctions for

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use of the term "minor" is qualified as to specify an age. For example, see Section 73 "no minor under sixteen" or Section 74 "no minor under seventeen." Definitions may be found in Section 2 of the Code.
[2520] Ibid., Section 76.
[2521] Ibid., Section 77. For currency conversion, see FXConverter, in Oanda.com, [online] [cited June 17, 2005]; available from http://www.oanda.com/convert/classic.
[2522] U.S. Department of State, *Country Reports- 2004: Jordan*, Section 6d. The Labor Law also does not specify a minimum age for vocational training of children. Presently, the law implies that any juvenile over the age of 7 years may be taken on as an apprentice. There are no clear standards to regulate apprenticeships nor are inspection mechanisms in place to ensure children's safety. See National Council for Family Affairs, *Jordan Country Study*, 53. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "Report of the Committee of Experts on the Application of Minimum Age Convention, 1973 (No. 138): Jordan (ratification: 1998)" (paper presented at the 75th Session, Geneva, 2004); available from http://webfusion.ilo.org/public/db/standards/normes/appl/.
[2523] In circumstances of war or natural disaster, forced labor may be mandated by the Government. See *Constitution of Jordan*, Chapter 2, Article 13.
[2524] Some foreign domestic servants worked under conditions that amounted to forced labor; however, there were no reports of such cases involving children. See U.S. Department of State, *Country Reports- 2004: Jordan*, Sections 5 and 6c.
[2525] Article 5 of the Military Service Act No. 2 of 1972 sets the legal age for voluntary enlistment at 16 years, which must be attested by a birth certificate or in the absence of this the child's age is determined by the Medical Board. According to the same article, enlistment is subject to the fulfillment of other conditions such as, in particular, educational attainment of at least the tenth grade level. See UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 1998 (Addendum)*, CRC/C/70/Add.4, prepared by Government of Jordan, pursuant to Article 44 of the Convention on the Rights of the Child, September 17, 1999, paras. 160-162; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a06f687951c4fc1080256846003b7763?Opendocument.
[2526] Coalition to Stop the Use of Child Soldiers, *The Use of Child Soldiers in the Middle East and North Africa Region*, prepared by Ibrahim Al-Marashi, pursuant to the Amman Conference on the Use of Children as Soldiers, April 8-10, 2001, 19; available from http://www.id.gov.jo/human/activities2000/middleeast_report.html.
[2527] ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments".
[2528] U.S. Department of State, *Country Reports- 2004: Jordan*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Near East*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm.

these offenses include imprisonment for up to 5 years and a fine.[2529] Since 1999, the Government of Jordan has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2530]

The Child Labor Unit (CLU) of the MOL is primarily responsible for monitoring child labor, collecting and analyzing data, and reviewing and ensuring the enforcement of existing legislation.[2531] The MOL's inspection division, which is comprised of 21 field offices and 72 inspectors, is mandated to inspect all registered establishments with more than 5 employees.[2532] The Government, however, has provided little training on child labor and inspectors generally try to remedy the situation through informal mechanisms, including referring some adult family members to job training programs.[2533] According to the National Council for Family Affairs (NCFA) and the ILO Committee of Experts, current labor inspection mechanisms are inadequate in terms of their frequency, scope, outreach, and quality of reporting. According to the Ministry of Labor, 88 percent of working children are working in establishments employing five workers or less, for which labor inspectors have no jurisdiction.[2534]

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

The Jordanian National Plan of Action (NPA) for Children 2004-2013 was launched by King Abdullah II and Queen Rania in October 2004.[2535] The plan takes into consideration global, regional, and national commitments made to Jordanian children such as the U.N. Convention on the Rights of the Child, the Arab Plan of Action for Children, the National Strategy for the Elimination of Child Labor, and the Millennium Development Goals. Among other goals, the NPA aims to eliminate the worst forms of child labor in Jordan by 2014, and decrease the number of child laborers under 16 years of age.[2536] The Childhood Unit of the NCFA takes the lead responsibility for Jordan's programs to eliminate child labor.[2537]

[2529] The law regarding prostitution does not apply if the victim is a "known prostitute" or "known to be of immoral character." See ECPAT International, *Jordan,* in ECPAT International, [database online] [cited May 27, 2004], Protection; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.
[2530] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[2531] ILO-IPEC, *National Program in Jordan--project document*, 20. Although the CLU receives, investigates and addresses child labor complaints, it lacks a formal mechanism for doing so. See U.S. Department of State, *Country Reports- 2004: Jordan*, Section 6d.
[2532] National Council for Family Affairs, *Jordan Country Study*, 58. See also U.S. Department of State, *Country Reports- 2004: Jordan*, Section 6d. See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."
[2533] U.S. Department of State, *Country Reports- 2004: Jordan*, Section 6d.
[2534] National Council for Family Affairs, *Jordan Country Study*, 59. See also U.S. Department of State, *Country Reports- 2004: Jordan*, Section 6d. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."
[2535] UNICEF, *Jordan Launches National Plan of Action for Children,* UNICEF, [online] October 25, 2004 [cited June 17, 2005]; available from http://www.unicef.org/media/media_23864.html.
[2536] The NPA also aims to rehabilitate and reintegrate working children in schools; secure working children's right to free primary education and appropriate vocational training; conduct studies to better

The Government of Jordan, through its Information Resource Center (IRC) continues to conduct research on child labor and is also implementing a program for street children in Irbid with support from the Swiss government.[2538] In November 2004, Jordan hosted the first Arab Parliamentarian Conference on Child Protection, at which parliamentarians from 17 Arab countries pledged their commitment to review all domestic legislation with regard to its compliance with the Convention on the Rights of the Child.[2539] The Ministries of Labor, Education, and Social Development and the NCFA are working in collaboration with a British NGO to implement two major projects with at-risk youth that aim to reduce child labor. The World Bank funded the mentoring program until April 2005. The program will continue to operate through October 2006, though on a severely limited scale. The second project, dubbed "Earn & Learn" is working with 2,000 out-of-school children to provide non-formal education, vocational and entrepreneurial training. Jordan's Development and Employment Fund provides microfinance assistance to participants, enabling them to start their own businesses.[2540]

USDOL is supporting a USD 1 million ILO-IPEC project to combat child labor in the urban services sector in Jordan, which is being undertaken with the cooperation of the Ministries of Labor, Education, and Social Development. The program aims to withdraw 3,000 child workers from the worst forms of child labor over a three-year period; mainstream them into non-formal and formal education programs; provide them with pre-vocational and vocational training; and support them with counseling, health care, and recreational activities.[2541] In 2005, the Ministry of Labor's CLU continued to expand ILO-IPEC's Supporting Children's Rights through Education, the Arts and the Media

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understand the scope of child labor in Jordan; offer income generation alternatives for families of children who work; develop national legislation that conforms to international commitments on child labor; and raise awareness on the negative effects of child labor. The plan was jointly developed by the NCFA, the Ministry of Planning and International Cooperation, and UNICEF. See UNICEF, *The Jordanian National Plan of Action for Children (2004-2013),* UNICEF, [online] n.d. [cited June 17, 2005]; available from http://www.unicef.org/jordan/resources_809.html.

[2537] U.S. Embassy- Amman, *reporting*, August 28, 2005.

[2538] U.S. Embassy- Amman, *reporting,* August 19, 2004. The IRC plans to expand the program for street children in Irbid to areas in and around Amman as well. See U.S. Embassy- Amman, *reporting*, August 28, 2005.

[2539] The parliamentarians discussed strategies to improve legislative protections for children in a number of areas, including child labor, child abuse, child prostitution and guaranteeing access to education and health services. See Petra News Agency, *Arab Parliamentarian Conference on Child Protection Starts in Amman*, press release, Amman, November 22, 2004; available from http://www.jordanembassyus.org/11222004009.htm. See also Dalya Dajani, "Parliamentarians to Review Legislation on Rights of the Child," *The Jordan Times* (Amman), November 23, 2004; available from http://www.jordanembassy.org/11232004001.htm.

[2540] Questscope, *Pro-social Mentoring with Children At-Risk: Countrywide Roll Out: 2002 to date,* [online] June 18, 2003 [cited June 17, 2005]; available from http://www.questscope.org/Projects/projects.htm. See Questscope, *Non-formal Education and Vocational Guidance for At-Risk Children: 2003 to date,* [online] June 18, 2003 [cited June 17, 2005]; available from http://www.questscope.org/Projects/projects.htm. See also U.S. Embassy- Amman, *reporting*, August 28, 2005.

[2541] See ILO-IPEC, *National Program in Jordan--project document*, 26-27.

(SCREAM) program to raise awareness among young people and their communities on the negative effects of child labor and the benefits of education.[2542]

In 2005, the MOE continued to implement a USD 120 million World Bank project, the Education Reform for Knowledge Economy Project, which aims to transform the education system at the early childhood, basic, and secondary levels to produce graduates with the skills necessary for the knowledge economy.[2543] Recognizing the link between the lack of education and child labor, the MOE intends to address child labor issues in its 2003-2015 Educational Development Plan.[2544]

[2542] SCREAM activities in Jordan have included art and writing competitions, as well as theatre productions. See U.S. Embassy- Amman, *reporting,* August 19, 2004. See also UNICEF, *May 2005 Newsletter*.

[2543] The project got underway in 2003. See World Bank, *Education Reform for Knowledge Economy I Program,* World Bank, [database online] [cited May 27, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P075829.

[2544] ILO-IPEC, *National Program in Jordan--project document*, 7.

Kazakhstan

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/18/2001	
Ratified Convention 182 2/26/2003	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Kazakhstan are unavailable.[2545] Most working children are involved in agriculture in rural areas.[2546] In urban areas, the country's increasingly formalized labor market has led to a decrease in many forms of child work. However, children continue to be found begging, loading freight, delivering goods in markets, washing cars, and working at gas stations.[2547] Reports also indicate a rise in the number of children exploited in prostitution and pornography in urban areas. Children working as domestic servants are often less visible to law enforcement officials and, for this reason, also vulnerable to exploitation.[2548] Child labor is one of many problems associated with poverty. In 2003, less than 2 percent of the population of Kazakhstan were living on less than USD 1 a day.[2549]

Kazakhstan is a source, transit, and destination country for trafficking for commercial sexual exploitation and forced labor. Girls in their teens are one of the primary targets for trafficking from Kazakhstan to countries in Europe, Asia, and the Middle East. Travel, employment and marriage agencies lure girls into trafficking with promises of good jobs or marriage abroad. Internal trafficking from rural to urban areas for sexual exploitation also occurs.[2550] Police estimate that a third of all street prostitutes in Kazakhstan are minors.[2551]

[2545] This statistic is not available from the data sources that are used in this report. Please see the section in the front of the report titled "Data Sources and Definitions" for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[2546] There are indications of a high prevalence of children engaged in tobacco and cotton cultivation. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, 5-7. See also U.S. Department of State, *Trafficking in Persons Report*, online, Washington, DC, June 3, 2005, Section 6d; available from http://www.state.gov/documents/organization/47255.pdf.

[2547] ILO-IPEC, *CAR Capacity Building Project, project document*, 5-7. See also U.S. Embassy- Almaty, *reporting*, August 22, 2004.

[2548] ILO-IPEC, *CAR Capacity Building Project, project document*, 8.

[2549] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2550] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Kazakhstan*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41689.htm. See also U.S. Department of State, *Trafficking in Persons Report*.

[2551] Liz Kelly, *Fertile Fields: Trafficking in Persons in Central Asia*, International Organization for Migration, April 2005, 61.

The Constitution and the Education Act provides for free and compulsory schooling for children ages 5 or 6 to the age of 16 or grade 9.[2552] The government also provides free secondary vocational and higher vocational education.[2553] In 2002, the gross primary enrollment rate was 102 percent and the net primary enrollment rate was 91 percent.[2554] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Despite efforts to ensure education for all, increases in costs associated with education have limited access to children from disadvantaged families. The quality of education also suffers from regional disparities and untrained teachers. An increase in drop-out rates in secondary and vocational education was reported in 2003.[2555]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for contract employment at 16 years.[2556] However, children may work at age 15 if they have completed their compulsory education.[2557] With parental consent, children 14 years or older may perform light work, provided that the work does not interfere with school attendance or pose a health threat.[2558] Children under 18 are prohibited from working in dangerous conditions, overtime, or at night. Children between ages 16 and 18 may not work more than 36 hours per week. Children between ages 15 and 16 years (or 14 and 16 years during non-school periods) may not work over 24 hours per week. The labor authorities determine a list of dangerous occupations.[2559]

Although there is no law specifically prohibiting the worst forms of child labor in Kazakhstan, there are statutes under which the worst forms can be prosecuted. The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.[2560] The minimum age for compulsory military service is 18 under the 1993 Law on Universal Military Duty and Military Service, and the minimum voluntary

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[2552] U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5. See also UN Committee on the Rights of the Child, *Initial Reports of States parties due 1996: Kazakhstan, CRC/C/41/Add.13*, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 2002, para 257 and 267.
[2553] UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 257.
[2554] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[2555] UN Committee on the Rights of the Child, *Concluding Observations: Kazakhstan, CRC/C/15Add.213*, July 10, 2003, para. 61.
[2556] The Republic of Kazakhstan, *Labour Law of the Republic of Kazakhstan, 1999*, (January 2000), Section 11, no. 1; available from http://natlex.ilo.org/txt/E99KAZ01.htm.
[2557] Ibid., Section 11, no. 2. See also U.S. Embassy- Almaty, *reporting,* August 22, 2004.
[2558] *Labour Law*, Section 11, no. 3.
[2559] Ibid., Sections 46-49.
[2560] The Republic of Kazakhstan, *Constitution of the Republic of Kazakhstan*, Article 24; available from http://www.president.kz/articles/state/state_container.asp?Ing=eng&art=constitution. See also *Labour Law*, Section 6.

recruitment age is 19 under the 2001 Law on Military Service on a Contract.[2561] The Code of Administrative Offences criminalizes the involvement of minors in the creation and advertisement of erotic products.[2562] Procuring a minor to engage in prostitution, begging, or gambling is illegal under Article 201 of the Penal Code and punishable by up to 3 years of imprisonment.[2563] Article 215-1 outlaws the keeping of brothels for prostitution and pimping and imposes punishments of 2 to 5 years of imprisonment with confiscation of property.[2564] Under Article 124, using children for sexual exploitation is punishable by up to 4 years of imprisonment.[2565] In 2003, the Penal Code was amended to include punishments for trafficking in persons. Specifically, it imposes a 5-year prison sentence if a minor is involved and an 8-year sentence if persons are trafficked abroad.[2566] The Code also includes an article establishing penalties of up to 10 years in prison for the sale or purchase of a minor.[2567] The Law Enforcement Coordination Council has issued detailed instructions to aid prosecutors and law enforcement in handling trafficking cases.[2568]

The Ministry of Labor and Social Protection is responsible for enforcing child labor laws and imposing fines for administrative offenses. The Ministry of the Interior is responsible for investigating criminal child labor offenses.[2569] The Ministry of Labor has a total of 400 labor inspectors. Each of the country's 16 districts has labor inspectors. They are empowered to levy fines for labor violations and refer criminal cases to law enforcement authorities.[2570] The Minister of Justice is given responsibility for coordinating all of the government's anti-trafficking activities.[2571]

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

The Ministry of the Interior's Gender Crimes Division has provided instructions to its units in how to recognize trafficking cases.[2572] The Government of Kazakhstan is funding victim hotlines, airing public service announcements, and preparing educational

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[2561] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- Kazakhstan*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=909.
[2562] UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 355.
[2563] *Criminal Code of the Kazakh Republic as cited by* The Protection Project, *Kazakhstan*, March, 2002.
[2564] Ibid.
[2565] Article 124 of the *Criminal Code of the Kazakh Republic* as cited by Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children,* [cited June 15, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaKazakhstan.asp.
[2566] U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.
[2567] Ibid. Aggravating circumstances include: engaging in the same act with two or more minors, selling body parts, and sale by a group of persons or by a person in a position of authority in conjunction with the unlawful transport of a minor in or out of the country or inciting the youth to commit immoral acts. See UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 358.
[2568] U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.
[2569] Ibid., Section 6d.
[2570] U.S. Embassy- Almaty, *reporting,* August 22, 2004.
[2571] U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.
[2572] Ibid.

material on trafficking prevention.[2573] Information about trafficking has been integrated into the high school and university curricula.[2574] The local law enforcement has also established a victim referral system.[2575] In December 2004, the Ministry of Internal Affairs held a nationwide conference to train law enforcement officers involved with trafficking issues.[2576] Joint investigations were held with Uzbekistan, Russia, and the United Arab Emirates.[2577] The government, in cooperation with the IOM and other NGOs, is participating in several other programs to prevent trafficking, prosecute offenders, and provide assistance to victims.[2578]

USDOL is funding a 3-year USD 2.5 million ILO-IPEC project that will build the capacity of national institutions to eliminate the worst forms of child labor and share information and experiences in the sub-region of Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan.[2579]

The government has prioritized efforts to improve educational facilities in rural schools[2580] and provides free textbooks to children from large families, children who receive social assistance, and disabled, orphaned, and institutionalized children.[2581] International organizations, such as UNICEF and UNESCO, have worked with the government to implement programs aimed at improving the country's education system.[2582]

[2573] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.
[2574] U.S. Department of State, *Trafficking in Persons Report*.
[2575] Ibid.
[2576] Ibid.
[2577] Ibid.
[2578] IOM, *Combating Trafficking in Persons in Central Asia: Prevention, Prosecution, Protection (ASPPP),* [cited June 15, 2005]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?Category=1%3BCounter-Trafficking&region=0%3B%28any%29&title=&keyWord=&resultPerPage=25&event=search&search=Search. See also IOM, *Prevention of Trafficking in Persons and Protection (PTPP) of Victims of Trafficking From, To, Through and Within Kazakhstan,* [cited June 15, 2005]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject&Category=1%3BCounter-Trafficking&region=0%3B%28any%29&country=0%3B%28any%29&title=&keyWord=&resultPerPage=25&event=search&search=Search.
[2579] The project was funded by USDOL in 2004. See ILO-IPEC, *CAR Capacity Building Project, project document*, vii.
[2580] UN Committee on the Rights of the Child, *Initial Report of Kazakhstan (continued), CRC/C/SR.886*, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, July 24, 2003, para 63.
[2581] The Republic of Kazakhstan, *Government Decree No. 738 of 17 May 2000 on levels and sources of social assistance to citizens during the period of their education*, (May 17, 2000); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.
[2582] UNICEF, *At a Glance: Kazakhstan,* UNICEF, [online] 2005 [cited June 21, 2005]; available from http://www.unicef.org/infobycountry/kazakhstan.html. See also UNESCO, *Education,* in UNESCO-Primary Education, [Online Database] 2005 [cited June 21, 2005]; available from http://portal.unesco.org/search/ui/SearchServlet?formName=test2&hIndexName=ami_index%nbResultByPage=25&hPrefPages=prefpages&hPRMetaWeight=&hPRWorldlistWeight=7&hPRTitleField=7&hPRDescriptionField=3&hPRReferenceField=10&output=test%2Fhtml&rThesaurus=&hUrlTemplateResult=http%3A%2F%2Fportal.unesco.org%2fsearch%2Fen%2Fresults.html&tUserInput=kazakhstan&give+a+try=SEARCH.

Kenya

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/9/1979	
Ratified Convention 182	5/7/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 32.5 percent of children ages 5 to 14 years in Kenya were counted as working in 2000. Approximately 34.7 percent of all boys 5 to 14 were working compared to 30.4 percent of girls in the same age group.[2583] Children living in rural areas were more likely to work than children living in urban areas.[2584] The commercial and subsistence agriculture and fishing sectors employ the largest number of working children, followed by the domestic service sector.[2585] Children are found working on tea, coffee, sugar, and rice plantations. Children also work in the informal sector, predominantly in family businesses.[2586] There are large numbers of street children in Kenya's urban centers. Street children are often involved in illegal activities such as drug trafficking.[2587] Child prostitution is widespread in Kenya, and takes place in bars, discos, brothels, massage parlors, and on the streets. The majority of children exploited in prostitution are between 13 and 17 years old.[2588] Poverty and an increased number of children orphaned by HIV/AIDS have contributed to a rise in the number of child prostitutes.[2589] Many girls who hawk or beg during the day reportedly work as prostitutes at night.[2590] In the agricultural sector, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are

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[2583] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2584] Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, September 2001, 34; available from http://www.ilo.org/public/english/standards/ipec/simpoc/kenya/report/ken98.pdf.

[2585] Ibid., 37.

[2586] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Kenya*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41609.htm.

[2587] Ibid., Section 5. HIV/AIDS and poverty are thought to have contributed to a rise in the number of orphans and street children. See Commonwealth News and Information Service, *Better Care Needed for Children Orphaned by HIV/Aids in Kenya,* [previously online] April 21, 2004 [cited May 13, 2004]; available from http://allafrica.com/stories/printable/200404210895.html [hard copy on file].

[2588] U.S. Department of State, *Country Reports- 2004: Kenya*, Sections 5 and 6d. See ECPAT International CSEC Database, http://www.ecpat.net (Kenya; accessed June 1, 2005).

[2589] U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.

[2590] ECPAT International CSEC Database, (Kenya; accessed June 1, 2005).

also alleged to be involved in prostitution in Kenya.[2591] Child labor is one of many problems associated with poverty. In 1997, the most recent year for which data are available, 22.8 percent of the population in Kenya were living on less than USD 1 a day.[2592]

Kenya is a source, transit, and destination country for child trafficking.[2593] Poverty, the death of one or both parents, and self-interest may contribute to a family's decision to place a child in the hands of better-off relatives, friends, or acquaintances who may end up trafficking and/or exploiting the child. Child trafficking in Kenya occurs mainly through personal and familial networks.[2594] Kenyan children are trafficked internally for sexual exploitation, as well as for work in street vending, agriculture, and forced domestic labor. Kenya's coastal area is a known destination for trafficked children. Children are trafficked there to be sexually exploited in Kenya's growing sex tourism industry. Children from Burundi and Rwanda may have been trafficked to Kenya for sexual exploitation and domestic work.[2595]

Primary education is free and schooling is compulsory through grade 12. However, less than half of children who graduate from primary school continue on to secondary school. The government has provided tuition-free primary education since 2003.[2596] As a result of this policy, first-time enrollment increased by between 1.1 million[2597] and 1.3 million children in the year following implementation.[2598] Unintended results of the policy have included overcrowded classrooms due to increased enrollment, insufficient numbers of teachers, and inadequate financial resources. In 2002, the gross primary enrollment rate was 92 percent and the net primary enrollment rate was 66 percent.[2599] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 74.9 of children ages 5 to 14 years were attending school.[2600] As of 2001, 59 percent of children who started primary school were likely to reach grade 5.[2601] However, there remains a

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[2591] Ibid.
[2592] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[2593] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.
[2594] U.S.Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.
[2595] U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.
[2596] U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5. See also UN Commission on Human Rights, Kenya's Statement at the 61st Session on the Commission on Human Rights, Agenda Item 13: Rights of the Child, 61st, April 7, 2005; available from http://www.unchr.info/61st/docs/0408-Item13-Kenya.pdf.
[2597] U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.
[2598] See Statement by Kenya 2005, 3. See also UNICEF, *Harry Belafonte urges all countries to end school fees*, New York, February 18, 2004; available from http://www.unicef.org/media/media_19262.html.
[2599] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[2600] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[2601] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

gender bias in school access, with girls reportedly experiencing greater difficulty in accessing education than boys.[2602] As the government expands primary education, it faces the challenges of high numbers of overage students, lack of teachers in some areas or overworked teachers, teaching material shortages, large class sizes, lack of classrooms, and inadequate facilities.[2603]

Child Labor Laws and Enforcement

The Children's Act of 2001 prohibits all forms of child labor that are exploitative and hazardous, or that would prevent children under the age of 16 from going to school.[2604] However, this law does not apply to children who work in agriculture or as apprentices under the terms of the Industrial Training Act.[2605]

The worst forms of child labor may be prosecuted under different statutes in Kenya. The Constitution prohibits forced and bonded labor, servitude, and slavery.[2606] The Children's Act prohibits child sexual exploitation.[2607] The Penal Code prohibits procurement of a girl under 21 for the purpose of unlawful sexual relations.[2608] Kenya does not explicitly prohibit trafficking in persons, but the Penal Code criminalizes child commercial sexual exploitation, child labor, and the transportation of children for sale.[2609] The Children's Act prohibits children under 18 years from being recruited in armed conflicts or participating in hostilities.[2610]

The Ministry of Labor and Human Resource Development is responsible for enforcing child labor legislation with its Child Labor Division, but is assisted by other sections

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[2602] School completion rates for girls have increased, and the Government of Kenya has reported that the completion rate among girls is higher than that for boys. Kenya CRC Coalition, *Supplementary Report to Kenya's First Country Report on the Implementation of the UN Convention on the Rights of the Child*, Nairobi, March 2001, 5.

[2603] Integrated Regional Information Networks (IRIN), "Kenya: Feature: The challenge of providing free primary education", IRINnews.org, [online], February 7, 2003 [cited June 23, 2005]; available from http://www.irinnews.org/print.asp?ReportID=32164. See also UNESCO-Nairobi Office, "Kenya launches mass literacy," *EFA News* No. 4 (May, 2003); available from http://www.unesco.org/education/efa/news_en/28.05.03_kenya.shtml.

[2604] U.S. Embassy- Nairobi, *reporting*, August 15, 2003. See also ILO NATLEX National Labor Law Database, *Children Act, 2001 (No.8 of 2001); accessed June 23, 2005*; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

[2605] See U.S. Department of State, *Country Reports- 2004: Kenya*, Section 6d.

[2606] *The Constitution of Kenya, Revised Edition*; available from http://kenya.rcbowen.com/constitution/.

[2607] Integrated Regional Information Network, "Kenya: Focus on New Legislation and Hopes for Child Welfare", IRINnews.org, [online], March 1, 2002 [cited June 23, 2005]; available from http://www.irinnews.org/print.asp?ReportID=23483.

[2608] Government of Kenya, *Penal Code,* [previously online], Section 147; available from http://209.190.246.239/protectionproject/statutesPDF/Kenya1.pdf [hard copy on file]. See also ECPAT International CSEC Database, (Kenya; accessed June 1, 2005).

[2609] U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.

[2610] The Children's Act of 2001 also states that it is the government's responsibility to protect, rehabilitate, and re-integrate child victims of armed conflict into society. Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Kenya*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.

when specific expertise is required.[2611] Labor inspectors and occupational health and safety officers have been trained in child labor reporting[2612] and labor inspection reports include findings on child labor.[2613] According to the U.S. Department of State, the Ministry of Labor and Human Resource Development's enforcement of the minimum age law was minimal.[2614] The Ministry of Labor has indicated that its inspectorate department, which is the main unit responsible for enforcing compliance, is understaffed.[2615] As of late 2005, the Ministry of Labor's directorate of Occupational Health and Safety Services only had 57 inspectors to cover the whole country.[2616] The Department of Children's Services is responsible for the administration of all laws regarding children, conducts awareness-raising activities regarding children's rights, and manages child rehabilitation institutions. [2617]

The Government of Kenya has made efforts to combat trafficking in persons. Kenya has adopted stricter border controls, and in late 2004-early 2005, the Human Trafficking Unit of the Kenyan police investigated a suspected child trafficking ring with operations between the United Kingdom and Kenya.[2618] The Unit also conducted surveys of massage parlors, brothels, foreign employment agencies, and other establishments and persons that were suspected of being involved in trafficking.[2619] However, during the period of 2005-early 2006, the Human Trafficking Unit had not conducted any investigations into trafficking cases.[2620]

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

The government's National Development Plan for 2002-2008 recognizes child labor as a problem and calls for an evaluation of the impact of child labor on the individual and the country, as well as its implications on the quality of the future labor force.[2621]

The Government of Kenya is taking part in a 3-year, USD 5.3 million USDOL-funded ILO-IPEC regional project aimed at building capacity to eliminate the worst forms of

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[2611] The Child Labor Division is staffed by 10 officers. Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7. See also U.S. Embassy- Nairobi, *reporting*, August 23, 2004. U.S. Embassy- Nairobi, *reporting*, September 14, 2005.
[2612] U.S. Department of State, *Country Reports- 2004: Kenya*, Section 6d.
[2613] Ibid.
[2614] Ibid.
[2615] U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.
[2616] Ibid. See also U.S. State Department official, email communication to USDOL official, August 18, 2006.
[2617] Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7.
[2618] U.S. Department of State, *Trafficking in Persons Report*.
[2619] Ibid.
[2620] U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.
[2621] ILO-IPEC, *Technical Progress Report: Prevention, withdrawal, and rehabilitation of children engaged in hazardous work in commercial agriculture in Kenya*, Geneva, August 29, 2002, 3.

child labor.[2622] The government also participates in a 4-year, USD 5 million USDOL-funded Timebound Program implemented by ILO-IPEC that focuses on withdrawing and preventing children from engaging in domestic service; commercial sex; commercial and subsistence agriculture; fishing and pastoralism; as well as informal sector street work.[2623] In partnership with the ILO, the government removes children from the street and provides them with educational and vocational training.[2624] Kenya is also part of a USDOL-funded regional project that aims to improve access to and quality of basic, technical, and vocational education and training for HIV/AIDS-affected children who are working or at risk of working in the worst forms of child labor.[2625] The government also took part in a Sweden-funded ILO-IPEC project on child labor in domestic work, which ended in June 2005.[2626] Kenya also participated in two Dutch-funded inter-regional ILO-IPEC projects which focused on combating child labor with educational interventions.[2627] The government also participated in a USDOL-funded ILO-IPEC East Africa Commercial Agriculture project, which ended in May 2005.[2628]

In 2005, the Kenyan Ministry of Tourism and Wildlife, UNICEF, the World Tourism Organization, and ECPAT worked with hotels and tour operators to increase their awareness of child prostitution and sex tourism and to develop a Code of Conduct to combat child sex tourism and protect children.[2629] In 2004, the government implemented a new program requiring owners of tourist guesthouses to register all workers,[2630] partly to deter sex tourism.[2631] Subsequently, eight guesthouses were closed due to violations and the government provided assistance to seven foreign children.[2632] Beginning in 2005, the Ministry of Tourism mounted a campaign to register villas and cottages, putting them under the same strictures and requirements as hotels, and encouraging them to participate in the ECPAT Code of Conduct initiative.[2633] Government officials, prosecutors, and police also attended training workshops on human trafficking conducted by the American Bar Association.[2634] The government provides shelter and medical care to street children

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[2622] The project's core countries also include Ghana, Nigeria, Uganda, and Zambia. ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa*, project document, Geneva, September 24, 2002.
[2623] The project supports the National Plan of Action for the Elimination of the Worst Forms of Child Labor in Kenya. See ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, project document, Geneva, September 30, 2004.
[2624] U.S. Department of State, *Trafficking in Persons Report*.
[2625] World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Initiative*, project document, Federal Way, July 18, 2005.
[2626] ILO-IPEC official, email communication to USDOL official, November 8, 2005.
[2627] One project was funded at USD 2.47 million and ended in December 2005, while the other, which focuses on child domestic workers, was funded at USD 391,615 and is slated to end in February 2006. Ibid.
[2628] ILO-IPEC, *Prevention, withdrawal and rehabilitation of children engaged in hazardous work in the commercial agricultural sector in Africa*, project document, Geneva, September 28, 2000.
[2629] U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.
[2630] U.S. Department of State, *Trafficking in Persons Report 2005*.
[2631] U.S. Department of State, *Country Reports- 2004: Kenya*, Section 5.
[2632] U.S. Department of State, *Trafficking in Persons Report*.
[2633] U.S. Embassy- Nairobi official, email communication to USDOL official, August 11, 2006.
[2634] U.S. Department of State, *Trafficking in Persons Report*.

working in commercial sexual exploitation.[2635] The government and ILO-IPEC are also working to improve a database on abused children, particularly those who are working.[2636]

Education sector reforms undertaken by the government include the promotion of the free primary education policy, good governance and school management, as well as the review and development of the curriculum.[2637] The Government of Kenya has also received support from UNICEF to raise the enrollment and primary completion rates of girls.[2638] The Government of Kenya is currently receiving support from the Education for All Fast Track Initiative to achieve its goal of implementing universal quality primary education.[2639] To support the government's policy of free primary education, the World Bank is providing USD 50 million, the majority of which will be used to expand the Government of Kenya/British Department for International Development textbook program. World Bank funds will also be used for activities such as teacher development and enhancing school accounting policies.[2640] The U.S. Department of Agriculture is also providing funds to support nutritious school meals for children.[2641]

[2635] Ibid.
[2636] U.S. Embassy- Nairobi, *reporting,* August 23, 2004.
[2637] Republic of Kenya, *Millennium Development Goals: Progress Report for Kenya*, 2003; available from http://www.undp.org/mdg/kenya.pdf.
[2638] UNICEF, *At a glance: Kenya,* in UNICEF, [online] n.d. [cited June 23, 2005]; available from http://www.unicef.org/infobycountry/kenya.html.
[2639] World Bank, *Education for All Fast Track Initiative: Frequently Asked Questions,* World Bank, [online] October 14, 2005 [cited January 17, 2006]; available from http://www1.worldbank.org/education/efafti/faq.asp.
[2640] World Bank Projects Database, http://www.worldbank.org (Free Primary Education Support Project; accessed September 23, 2005).
[2641] U.S. Department of State, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, press release, Washington, D.C., August 17, 2004; available from http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=August&x=20040817152631AEneerG0.8231623&t=livefeeds/wf-latest.html.

Kiribati

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

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kiribati are not available.[2642] However, some school-aged children are reported to be out of school for reasons that are undocumented.[2643]

Education is free and compulsory for children ages 6 to 14.[2644] Basic education includes primary school for grades one through six, and Junior Secondary School for three additional grade levels.[2645] In 1999, the gross primary enrollment rate was 128 percent, and the net primary enrollment rate is unavailable.[2646] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Kiribati. School quality and access to primary education are still challenges, particularly in the outer islands.[2647]

Child Labor Laws and Enforcement

Part IX, Section 84 of the Employment Ordinance, *Employment of Children and Other Young Persons*, sets the minimum age for employment at 14 years,[2648] and children under 16 years are prohibited from industrial employment or jobs aboard ships.[2649] Although

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[2642] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the "Data Sources and Definitions" section of this report.

[2643] UN, *United Nations Common Country Assessment: Kiribati,* Office of the United Nations Resident Coordinator, 2002 [cited May 20, 2004], 29; available from http://www.undp.org.fj/documents/Kiribati%20CCA%20small.pdf.

[2644] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Kiribati*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41645.htm.

[2645] *Kiribati Education Policy: National Development Strategies 2002-2003,* [online] [cited July 28, 2005]; available from http://www.janeresture.com/kiribati_edupolicy/index.htm.

[2646] UNESCO Institute for Statistics, *Selected Statistics for Kiribati* [Global Education Database], October 13, 2004; available from http://qesdb.cdie.org/ged/index.html.

[2647] ADB, *Millennium Development Goals in the Pacific: Relevance and Progress,* 2003 [cited May 20, 2004]; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf.

[2648] ILO, *Compilation of annual reports by the International Labor Office,* ILO, [Annual Review Database] 2003 [cited May 20, 2004]; available from http://www.ilo.org/dyn/declaris/Show_ARHTML.

[2649] U.S. Department of State, *Country Reports- 2004: Kiribati*, Section 6d.

there is no law specifically prohibiting the worst forms of child labor in Kiribati, there are statutes under which the worst forms can be prosecuted. The Constitution prohibits forced labor.[2650] The Penal Code criminalizes the procurement of minors under 15 years of age for the purpose of sexual relations and establishes a penalty of 2 years of imprisonment for such offenses.[2651] The Penal Code also bans parents or guardians from prostituting children under 15 years old.[2652] Child labor laws are enforced by the Ministry of Commerce, Industry and Employment.[2653]

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

The Government of Kiribati continues to work within the United Nations Development Assistance Framework to support national priorities and initiatives that include promoting the healthy growth and development of Kiribati's children.[2654]

The government also worked with the ADB on the implementation of its 2003-2005 Country Strategy and Program to address key issues that include poverty reduction and human development. As part of these efforts, the government focused on improving the quality and relevancy of education and expanding the coverage of social services, particularly for people living in the outer islands.[2655] AusAID and New Zealand's International Aid and Development Agency are also assisting the country to improve education policy. Bilateral assistance for education programs includes developing curriculum materials, advancing teacher training, and facilitating access to basic education.[2656]

[2650] *The Constitution of Kiribati*, Chapter II, Section 6 (2); available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Kiribati_Constitution.html.
[2651] *Kiribati Penal Code*, (1977), Articles 141-143; available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Consolidation_1977/Kiribati_Penal_Code.html.
[2652] *Kiribati Penal Code*.
[2653] U.S. Department of State, *Country Reports- 2003: Kiribati*, Section 6d.
[2654] UN, *Kiribati: United Nations Development Assistance Framework (2003-2007),* Office of the United Nations Resident Coordinator, [online] 2002 [cited July 28, 2005]; available from http://www.undp.org.fj/documents/UNDAF%20KIRIBATI%2024%20JUNE.doc.
[2655] ADB, *Country Strategy and Program Update (2003-2005): Kiribati,* July 2002 [cited July 28, 2005], 6; available from http://www.adb.org/Documents/CSPs/KIR/2002/CSP_KIR_2002.pdf.
[2656] AusAID, *AusAID Pacific Program Profiles 2003-2004- Kiribati,* Australian Government, 2003 [cited July 28, 2005], 22; available from http://www.ausaid.gov.au/publications/pdf/pac_prog_prof.pdf. See also NZAID, *Strategy for the New Zealand Development Cooperation Programme with Kiribati 2002-2007,* [cited July 28, 2005]; available from http://www.nzaid.govt.nz/programmes/docs/nzaid-kiribati-strategy-0207.pdf.

The Kyrgyz Republic

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 3/31/92	
Ratified Convention 182 5/11/04	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	

Incidence and Nature of Child Labor

An estimated 9.2 percent of children ages 7 to 14 were counted as working in the Kyrgyz Republic in 1998. Approximately 10.2 percent of all boys 7 to 14 were working compared to 8.1 percent of girls in the same age group.[2657] Children work selling goods (such as newspapers, cigarettes, candy, alcohol, and gasoline), loading and unloading goods, collecting aluminum and bottles, begging, cleaning and repairing shoes, and washing cars. Some children also work in transportation. In southern rural areas, reports indicate that children work in coal mines and in brick-making.[2658] Children are allegedly taken out of school to harvest cotton. Children also work on commercial tobacco farms.[2659] Some schools have reportedly required students to participate in the tobacco harvest in fields located on school grounds. Proceeds from the harvest are collected by the schools and do not go to the children.[2660] Children are found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.[2661] ILO reports indicate that a large number of children from rural areas are sent to urban areas to live with wealthier relatives and to work as domestic servants.[2662] Child

[2657] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2658] ILO-IPEC and SIAR-Bishkek Ltd., *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 14. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Kyrgyz Republic*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41690.htm. See also Integrated Regional Information Networks, *Kyrgyzstan: IRIN Focus on Street Children in Bishkek,* July 6, 2001 [cited June 17, 2005]; available from http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN. See also UN Committee on the Rights of the Child, *NGO Commentaries to the Initial Report of the Kyrgyz Republic on the UN Convention on the Rights of the Child*, 26; available from http://www.crin.org/docs/resources/treaties/crc.24/kyrgystanNGOreport.doc.

[2659] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6d.

[2660] Ibid. Students sometimes participate in labor training classes involving cleaning and collecting waste. "Subbotnics" (labor days) are also arranged in city areas. See UN Committee on the Rights of the Child, *NGO Commentaries*, 27.

[2661] Families tend to be large and consider it necessary for children to begin work at a young age to support their families. See U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6d.

[2662] Youth Human Rights Group, "Alternative NGO Report to the United Nations Committee on the Rights of the Child in Relation to the Examination of the Second Periodic Report by the Kyrgyz Republic on the Implementation of the UN Convention on the Rights of the Child," (April 2004), 27; available from

labor is one of many problems associated with poverty. In 2002, less than 2 percent of the population of the Kyrgyz Republic were living on less than USD 1 a day.[2663]

Children are vulnerable to commercial sexual exploitation in urban areas throughout the country. Children engaged in prostitution are primarily girls from ages 11 to 16 years.[2664] It has been asserted that at least 20 percent of prostitutes in Bishkek are minors.[2665] The Kyrgyz Republic is considered to be a country of origin and transit for trafficked children. An IOM study reported that a minimum of 4,000 women are trafficked to, from and through the Kyrgyz Republic for commercial sexual exploitation every year, and approximately 10 percent of the total are children.[2666] There are reports of women and girls trafficked for commercial sexual exploitation to the United Arab Emirates, Turkey, and South Korea.[2667] Girls as young as 10 years old are trafficked internally and internationally. Girls from poor rural areas are particularly vulnerable to being trafficked.[2668]

The Constitution establishes free and compulsory education beginning no later than age 7.[2669] This extends through grade 9 or until age 14.[2670] In 2002, the gross primary enrollment rate was 101 percent and the net primary enrollment rate was 89 percent.[2671] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1998, 91.6 percent of children ages 7 to 14 years were attending school.[2672] A national economic crisis and family poverty have induced many children to drop out of school and take up work.[2673] In April 2003, the government passed a law on education to help the

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http://www.crin.org/docs/resources/treaties/crc.37/kyrgyzstan_ngo_report.pdf. See also ILO-IPEC and SIAR-Bishkek Ltd., *Child Labor in Kyrgyzstan*, 15-17.

[2663] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2664] Institute for War and Peace Reporting (IWPR), *Lost Children of Central Asia,* [press release] January 19, 2004 [cited June 17, 2005]; available from http://www.iwpr.net/index.pl?archive/rca/rca_200401_257_2_eng.txt. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishek, November 2000, 21.

[2665] UN Committee on the Rights of the Child, *NGO Commentaries*, 27.

[2666] Liz Kelly, *Fertile Fields: Trafficking in Persons in Central Asia*, International Organization for Migration, April 2005.

[2667] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5. See also Youth Human Rights Group, "Alternative NGO Report," 16.

[2668] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.

[2669] Government of Kyrgyzstan, *Constitution of the Kyrgyz Republic*, (February 17, 1996), Article 32. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Kyrgyzstan*, para. 65.

[2670] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.

[2671] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2672] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[2673] UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, E/ICEF/2004/P/L.14, United National Economic and Social Council, April 1, 2004, 3. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Kyrgyzstan*, 17.

country meet mandatory basic education standards.[2674] Residence registration limits access to education and other social services for refugees, migrants, internally displaced persons, and non-citizens.[2675]

The quality of education is poorest in rural areas. Rural schools account for over 80 percent of all schools in the country.[2676] Educational reforms have shifted the burden of financing education to regional authorities and families, often resulting in the inability of low-income families to pay for their children's school supplies and other administrative fees.[2677] Not all school-aged children have access to secondary education.[2678] Wages of teachers start at the equivalent of USD 7 per month and are among the lowest paid in the world. This has impacted the ability to attract and retain professionals to the education sector and affects the ability of schools to provide all compulsory subjects.[2679] The severe deterioration of school buildings and lack of heat in winter months have closed schools. Without improvements in school infrastructure, improving teachers' performance and access to school materials will have little impact.[2680] Numerous studies carried out by international aid agencies have found that the number of out-of school children is higher than officially reported because long-term non-attendance of school or "hidden-dropout" is not taken into account.[2681] A report from the Centre for the Protection of Children noted that 74 to 83 percent of children working on the streets dropped out of school.[2682] A 2003 UNICEF-supported survey of 207 street and working children in Bishkek found that up to 90 percent did not attend school at all.[2683]

Child Labor Laws and Enforcement

A new Labor Code was passed on August 4, 2004 that established the minimum age for basic employment as 16, except in limited circumstances with parental permission.[2684]

[2674] Article 4 focuses on securing free education through grade 11. See U.S. Embassy- Bishkek, *reporting*, August 15, 2003.
[2675] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.
[2676] UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 3. See also National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005: Comprehensive Development Framework of the Kyrgyz Republic to 2010, Expanding the Country's Capacity*, 2003, 60.
[2677] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59-60. See also U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.
[2678] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59.
[2679] ADB, *Laying Groundwork to Boost Enrollment and Standards in Kyrgyz Schools,* [online press release] 2003 [cited June 20, 2005]; available from http://www.adb.org/Media/printer.asp?articleID=3378.http://www.adb.org/media/printer.asp?articleID=3378.
[2680] UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 6.
[2681] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59. See also Youth Human Rights Group, "Alternative NGO Report," 25.
[2682] Youth Human Rights Group, "Alternative NGO Report," 25.
[2683] UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 3.
[2684] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6d. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Kyrgyzstan*, para. 70.

Limited light work is permitted at age 14. Maximum work hours for children ages 14 and 15 are 5 hours per day. Maximum work hours for children ages 16 and 17 are 7 hours per day. A 2002 decree banned the employment of persons under 18 in certain industries including oil and gas, mining and prospecting, food, entertainment, and machine building.[2685] A violation of labor laws is punishable by a fine of up to USD 120.[2686] Children studying in educational establishments are forbidden from participating in agricultural or other work not related to their schooling.[2687] The law penalizes parents who restrict their children's access to schooling, but it is not strictly enforced, especially in rural areas.[2688] The penalty for preventing a child from attending school ranges from a public reprimand to 1 year of forced labor.[2689]

Although there is no law specifically prohibiting the worst forms of child labor in the Kyrgyz Republic, there are statutes under which the worst forms can be prosecuted. Both the Constitution and the Labor Code prohibit forced labor under most circumstances.[2690] The minimum age for recruitment to active military service is age 18; however, boys age 17 may volunteer for military schools.[2691]

Adult prostitution is not illegal, and although the operation of brothels, pimping, and recruiting persons into prostitution is punishable by up to 5 years in jail, there is no legal penalty for consorting with underage prostitutes.[2692] A lack of legal regulation and oversight makes prostitution a growing problem.[2693] The Criminal Code prohibits trafficking in persons and imposes punishments of up to 20 years of imprisonment.[2694] A comprehensive anti-trafficking law was adopted in January 2005 that grants immunity from prosecution to victims of trafficking who cooperate with authorities.[2695]

The General Procurator's Office and the State Labor Inspectorate are responsible for enforcing child labor laws. During 2004, the Labor Inspectorate had 54 inspectors throughout the country. The Federation of Trade Unions also has the right to carry out

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[2685] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6d.
[2686] Articles 124, 125, 142, and 143 of the Criminal Code as reported in U.S. Embassy- Bishkek, *reporting,* August 15, 2003.
[2687] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Kyrgyzstan*, para. 340.
[2688] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.
[2689] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Kyrgyzstan*, para. 67.
[2690] 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 *Constitution, 1996*, Article 28. See also U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6c.
[2691] Coalition to Stop the Use of Child Soldiers, "Kyrgyzstan," in *Global Report 2001*, 2002; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument.
[2692] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5. See also ECPAT International CSEC database, http://www.ecpat.net (Kyrgyz Republic; accessed July 5, 2006).
[2693] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.
[2694] Ibid.
[2695] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/documents/organization/47255.pdf.

child labor inspections when it receives a complaint.[2696] The Office of the Ombudsman has a special department dealing with the rights of minors. It has the authority to order other agencies to deliver information or conduct investigations.[2697] The Ministry of Internal Affairs (MVD) has a division of Inspectorates of Minors' Affairs mandated to enforce child-related laws. The MVD also runs two poorly equipped juvenile rehabilitation centers and operates an anti-trafficking unit.[2698]

Since many children work for their families or in informal occupations, it is difficult for the government to identify violators and few have been punished. Budget constraints make enforcement difficult as does corruption at lower levels in government.[2699] Prosecution is difficult in anti-trafficking cases. The reluctance of victims to file charges due to fear, mistrust, and social pressures also has reduced arrest and conviction rates.[2700] Despite these obstacles, the government has had some success. Efforts are being made to eliminate government corruption as it relates to trafficking.[2701] The government has established contacts with law enforcement agencies in South Korea and the United Arab Emirates and participated in joint anti-trafficking operations with Ukrainian and Azeri officials.[2702]

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

The Government of the Kyrgyz Republic is participating in a USD 2.5 million USDOL-funded ILO-IPEC sub-regional project that will enhance the capacity of national institutions to eliminate the worst forms of child labor in the Kyrgyz Republic and share information and experiences across Central Asia.[2703] The government's inter-ministerial body, known as the New Generation program, is studying suitable working conditions for young persons and will introduce new techniques for monitoring employers' compliance with national labor law.[2704] A Coordination Council on Child Labor was established by the Ministry of Labor and Social Protection.[2705]

[2696] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6d.
[2697] UN Committee on the Rights of the Child, *Summary Record of the 987th Meeting: Kyrgyzstan*, September 29, 2004, para. 38, 47; available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet.
[2698] The centers are located in Bishkek and Osh, the largest cities in the Kyrgyz Republic. U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5. See also Youth Human Rights Group, "Alternative NGO Report," 5.
[2699] Ibid., Section 6d.
[2700] Ibid., Section 5.
[2701] Ibid.
[2702] U.S. Department of State, *Trafficking in Persons Report*, 139.
[2703] ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004.
[2704] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 6d. National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 55-56. See also UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 8.
[2705] Youth Human Rights Group, "Alternative NGO Report," 27.

Since March 2004, the Government of the Kyrgyz Republic has been funding the Secretariat of the National Council to Combat Trafficking.[2706] The National Council is responsible for coordinating the actions of various government agencies and ensuring adherence to the 2002-2005 Anti-trafficking Plan of Action.[2707] The government worked with NGOs such as SEZIM and IOM to provide special services for trafficking victims, and it participated in education campaigns.[2708] With assistance from the IOM and a USD 1.6 million grant from the U.S. State Department, the government now issues new forgery-resistant passports intended to reduce incidents of human trafficking in the Kyrgyz Republic.[2709] The government's Commission on the Affairs of Under-Age Children coordinates activities and works with the Kyrgyz Children's Fund (KCF) and other NGOs to monitor the condition of children and provide shelters.[2710] An IOM-sponsored program involves strengthening the capacity of local NGOs to assist and reintegrate victims of trafficking.[2711]

Addressing child poverty and education has been given priority in Kyrgyzstan's National Poverty Reduction Strategy.[2712] The government's budget for 2005-2007 provides for increased spending in the areas of social services, education, and health.[2713] The Government of the Kyrgyz Republic has established ongoing national education programs such as Araket (National Poverty Reduction Program, 1998-2005), Jashtyk (National Youth Development Program until 2010), and Jetkinchek (Access to Education Program). Jetkinchek focuses on attendance problems in schools and overcrowded classrooms. ADB and UNDP provide support to the project.[2714]

USAID is supporting the Basic Education Strengthening Program (2003-2006) that is improving in-service teacher training; learning material and textbook development;

[2706] U.S. Embassy- Bishkek, *reporting*, June 8, 2004.

[2707] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report*, 139.

[2708] In November 2004, the government provided 10 spaces for shelter use by Sezim. The space has provided shelter for 80 adults and 24 children. The number of trafficking victims among these is not known. An IOM-sponsored shelter opened in July 2004 in Osh. Several NGOs such as Women's Support Center, TAIS-Plus, New Chance Sezim, and Podruga provided legal, medical, and economic aid to victims. U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.

[2709] UN Office for the Coordination of Humanitarian Affairs, "Kyrgyzstan: New Passport to Help Reduce Human Trafficking", [online], August 4, 2004 [cited June 17, 2005]; available from http://www.irinnews.org/report.asp?ReportID=42509&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

[2710] U.S. Department of State, *Country Reports- 2004: Kyrgyz Republic*, Section 5.

[2711] IOM, *Development of NGOs Capacity to Provide Assistance to Victims of Trafficking in the Kyrgyz Republic (NCPA),* [cited June 15, 2005]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?=event=detail&id=KG1Z016.

[2712] Government of the Kyrgyz Republic, *Poverty Reduction Strategy Paper, Annual Progress Report*, Bishkek, May 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/16/16000012009_20040616124157/Rendered/PDF/29208.pdf.

[2713] UN Committee on the Rights of the Child, *Summary Record of the 987th Meeting: Kyrgyzstan*, para. 49.

[2714] Government of the Kyrgyz Republic, *Poverty Reduction Strategy Paper, Annual Progress Report*, para. 133, 151-160.

parent and community involvement in education management; capacity of school administration; and school infrastructure.[2715] Through this program, community education committees are established and linked to pilot schools that will undergo infrastructure improvements.[2716] The U.S. Department of Agriculture is working with the government as part of a global effort to provide meals for schoolchildren.[2717]

UNHCR, in cooperation with the government, is providing assistance to under-funded schools serving Tajik refugees displaced after the 1992-1997 Tajik civil war. UNHCR plans to provide books and equipment to accommodate children at no expense to their families.[2718] With USD 15 million in World Bank financing, the Education Ministry's Rural School Program was developed to create a new evaluation system for teachers and implement a new performance-based salary schedule.[2719] Through the Program, financial assistance is being provided to encourage new teachers to practice in rural schools.[2720]

[2715] AED is the implementing partner. See USAID, *Kyrgyz Republic Portfolio Overview,* [Online Database] [cited June 15, 2005]; available from http://www.usaid.gov/locations/europe_eurasia/car/pdfs/overkyr.pdf.
[2716] Ibid.
[2717] Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.
[2718] UN High Commissioner for Refugees, *Country Operations Plan, Executive Committee Summary, Country: Kyrgyzstan*, 2005, 3; available from http://www.unhcf.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tb1=RSDCOI&id=415962ff4&page=home.
[2719] Government of the Kyrgyz Republic, *Poverty Reduction Strategy Paper, Annual Progress Report*, para. 153. See also World Bank, *Rural Education,* [cited June 15, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=34004166&piPK=340044443&theSitePK=444608&menuPK=444638&Projectid=P078976.
[2720] UN Office for the Coordination of Humanitarian Affairs, "Kyrgyzstan: New Programme to Get Teachers to Rural Areas", April 6, 2005; available from http://www.irinnews.org/report.asp?ReportID=46483&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN. See also World Bank, *Rural Education*.

Lebanon

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/10/2003	
Ratified Convention 182	9/11/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Lebanon are unavailable.[2721] According to UNICEF, more than half of all children ages 6 to 14 who work are girls.[2722] Working children are more prevalent in poor, rural areas and are more likely to come from large families.[2723] The majority of working children ages 6 to 14 years are found in North and South Lebanon and in the Beqaa region.[2724] Children in urban areas work in several hazardous sectors, including metal works, street peddling, automobile repair, carpentry, domestic service, electrical and electronics repair, and construction work. Exploitative work in domestic service is a particular problem for girls in North Lebanon.[2725] Children in rural areas work in handicrafts and artisanry, as well as in more hazardous work associated with mining and seasonal agriculture (especially tobacco production in South Lebanon).[2726] Approximately 11 percent of working children are employed in agriculture.[2727] In 2000, a government assessment estimated that 25,000

[2721] This statistic is not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2722] UNICEF, *Preliminary Report on the Multiple Cluster Survey On the Situation of Children in Lebanon*, prepared by Government of Lebanon: Central Bureau of Statistics, February 2001, Table 17; available from http://childinfo.org/MICS2/newreports/lebanon/lebanon.pdf.

[2723] ILO-IPEC, *Lebanon: Child Labour on Tobacco Plantations: A Rapid Assessment*, Geneva, May 2002, 8; available from http://www.ilo.org/public/english/standards/ipec/simpoc/lebanon/ra/tobacco.pdf. See also Partners for Development- Civil Group, *Gender, Education and Child Labour in Lebanon*, ILO, Geneva, 2004, 85; available from http://www.ilo.org/public/english/standards/ipec/publ/download/gender_edu_lebanon_2004_en.pdf.

[2724] UNICEF, *Preliminary Report on the Multiple Cluster Survey*, Table 17. According to a report conducted by UNICEF entitled "State of the Children in Lebanon 2000," child labor is most prevalent in North Lebanon for children ages 10 to 18 years. See Partners for Development, *Gender, Education & Child Labor in Lebanon: A Concept Paper*, Draft 4, submitted to ILO, Beirut, November 28, 2003, 6.

[2725] See Partners for Development- Civil Group, *Gender, Education and Child Labour in Lebanon*, 4, 8, 9, 16, 82. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Lebanon*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27932.htm. ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "Report of the Committee of Experts on the Worst Forms of Child Labor Convention, 1999 (No. 182): Lebanon (ratification: 2001)" (paper presented at the 75th Session, Geneva, 2004); available from http://webfusion.ilo.org/public/db/standards/normes/appl/.

[2726] ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen: Consolidating Action against the Worst Forms of Child Labour*, project document, Geneva, September 3, 2004, 10. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."

[2727] ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, 9.

children ages 7 to 14 were working in tobacco cultivation.[2728] The majority of children working in tobacco cultivation are unpaid. Children ages 10 to 15 years are involved in tobacco drying, harvesting, and planting; children 5 to 10 years work in seedling transplant and leaf drying; and those under 5 years assist with leaf drying.[2729]

Palestinian refugee children and children from poor families are often forced to leave school at an early age to go to work.[2730] It is common for non-Lebanese children to earn family income by working in the fields or begging in the streets.[2731] Many street children are Syrian nationals and Palestinian refugees. Non-Lebanese children constitute 10 to 20 percent of children working in the formal sector, but make up a larger share of children working on the street.[2732] In December 2004, the Ministry of Interior released a study on working street children in Lebanon. According to the study, the majority of working street children are Palestinian and Syrian boys who are poorly educated or illiterate, many of whom are forced by adults to work long hours on the streets. The most common types of work were selling goods, shoe polishing and washing car windshields. Less than one-fifth of the children surveyed said they keep their income, while nearly one quarter of them said they give their entire earnings to the head of the household.[2733]

There have been reported cases of child prostitution and other situations that amount to forced labor.[2734] Lebanon is a destination country for women and children trafficked from Africa, Asia, Eastern Europe and the former Soviet Union for the purposes of involuntary domestic servitude and prostitution.[2735] Although there are no official estimates on the extent of child trafficking in the country,[2736] child trafficking is known to exist. Young children, particularly street children, are exploited as child beggars by

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[2728] The survey was conducted by the Consultation and Research Institute in Lebanon with the support of the ILO between July and September 2000. See Ibid., viii, 7-8.
[2729] Ibid., viii.
[2730] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Lebanon*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41726.htm. See also Majdoline Hattoume, "Poverty Forcing Children to Work Despite the Law," *Daily Star* (Beirut), November 19, 2003.
[2731] U.S. Department of State, *Country Reports- 2004: Lebanon*, Section 5.
[2732] Partners for Development, *Gender, Education & Child Labor in Lebanon*, 22. See also U.S. Department of State, *Country Reports- 2004: Lebanon*, Section 5. See also U.S. Embassy- Beirut official, personal communication, to USDOL official, March 26, 2004.
[2733] U.S. Embassy- Beirut, *reporting*, August 31, 2005.
[2734] U.S. Department of State, *Country Reports- 2004: Lebanon*, Sections 5, 6c and 6e. See also The Protection Project, "Lebanon," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from http://www.protectionproject.org/human_rights/countryreport/lebanon.htm. The Lebanese media have pointed out cases of street children as young as 12 being forced into prostitution. Street prostitution is most apparent in Maameltein, Jounieh, Dora, and Corniche al-Manara. See ECPAT International, *Lebanon,* in ECPAT International, [database online] January 9, 2004 [cited June 27, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.
[2735] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.
[2736] Integrated Regional Information Networks, *Lebanon: Government urged to combat trafficking in human beings,* [online] September 22, 2005 [cited December 8, 2005]; available from http://www.irinnews.org/print.asp?ReportID=49187.

organized gangs, and girls are forced into prostitution, in some cases by their own parents. There are some indications that organized criminal groups are involved in the trafficking and sexual exploitation of children. In addition, there are cases in which underage girls are forced into early marriages in exchange for payments to the girl's family, and underage girls are also trafficked to Lebanon for the purpose of forced marriage.[2737] While children are not known to participate in armed militia attacks, children continue to be involved in militia training and rallies by groups such as Hizbollah and are also known to participate in various armed groups operating in the country.[2738]

Education is free and compulsory through the age of 12.[2739] Despite this legislation, in practice, education is not without cost. Expenditure on education constitutes 13.1 percent of the family budget, the third largest expense after food and transportation.[2740] Lebanon has a unique education system made up of government and private institutions, to which the government pays partial fees. Primary school is considered free in official state schools or state-funded private institutions. However, in these "free" schools students are responsible for registration and other fees.[2741] In addition, public schools reportedly lack proper facilities, equipment, and trained teachers, and the curricula do not adequately correspond to the demands of the labor market.[2742] The leading reasons for families not being able to provide their children with an education include: uneven geographic distribution of the public schools; the lack of availability of public transportation in all areas; and the direct and indirect costs of education.[2743] Most notably, refugee families are often not able to afford school tuition, and instead take their children out of school and send them to work.[2744]

The 1998 Law (No. 686) that called for the provision of compulsory free education to all Lebanese children ages 6 to 12 years also called for the gradual extension of this right to all children up to age 15 (the minimum age for admission to employment). However, the

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[2737] United Nations High Commission for Human Rights, *Expert on Trafficking in Persons Ends Visit to Lebanon*, press release, Geneva, September 15, 2005; available from http://www.unhchr.ch/huricane/huricane.nsf/0/5F43BE66EDB9D815C125707E00240837?opendocument.
[2738] Coalition to Stop the Use of Child Soldiers, *Global Report 2004: Lebanon*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=958. See also Coalition to Stop the Use of Child Soldiers, *The Use of Child Soldiers in the Middle East and North Africa Region*, prepared by Ibrahim Al-Marashi, pursuant to the Amman Conference on the Use of Children as Soldiers, April 8-10, 2001, 21-23; available from http://www.id.gov.jo/human/activities2000/middleeast_report.html.
[2739] U.S. Department of State, *Country Reports- 2004: Lebanon*, Section 5.
[2740] UNDP- Lebanon, *Millennium Development Goals: Lebanon Report*, prepared by Council for Development and Reconstruction, September 2003; available from http://www.un.org.lb/un/awms/uploadedFiles/MDGR%20English.pdf.
[2741] ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."
[2742] U.S. Department of State, *Country Reports- 2004: Lebanon*, Section 5. See also UNDP, *Arab Human Development Report 2002: Creating opportunities for future generations*, Arab Fund For Economic and Social Development, New York, 2002, 55; available from http://www.undp.org/rbas/ahdr/CompleteEnglish.pdf.
[2743] Partners for Development- Civil Group, *Gender, Education and Child Labour in Lebanon*, 38.
[2744] Lebanese NGO Forum, *Problems Encountered by Refugees,* [online] [cited June 27, 2005]; available from http://www.lnf.org.lb/migrationnetwork/ngo2.html.

government has yet to issue the legal steps to enforce this law across the country. Moreover, no ministerial decree has been issued in conjunction with the law to officially extend the age beyond 12 years.[2745]

In 2002, the gross primary enrollment rate was 103 percent and the net primary enrollment rate was 91 percent.[2746] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Lebanon.[2747] While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.[2748] Although the majority of the children working in tobacco cultivation enroll in elementary school, work-related absenteeism negatively affects these children's education and contributes to high dropout rates, preventing many from reaching the secondary level.[2749] As of 2001, 92 percent of children who started primary school were likely to reach grade 5.[2750]

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.[2751] Children working in domestic service, family businesses, and agriculture are not covered by the child labor provisions. Children ages 14 to 17 may be employed under special conditions relating to matters such as working hours and conditions, and type of work. A 1999 amendment to the Labor Code forbids the employment of children under the age of 18 for more than 6 hours per day. The amendment also requires a 13-hour period of rest between workdays. In addition, youths under the age of 18 must be given an hour break after a 4-hour period of labor. An employer may not employ these youths between the hours of 7:00 p.m. and 7:00 a.m. Adolescents ages 14 to 18 must pass a medical examination to ensure that they can undertake the work for which they are to be engaged, and the prospective employer must request the child's identity card to verify his or her age.[2752] In addition, it is illegal to employ a child under the age of 17 in industrial

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[2745] See Partners for Development- Civil Group, *Gender, Education and Child Labour in Lebanon*, 2, 24, 38, 60. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."

[2746] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2747] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for more information about sources used.

[2748] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

[2749] ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii.

[2750] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[2751] *Code du Travail- Travail des enfants*, Loi no 536, (July 24, 1996), Article 22; available from http://www.lebaneselaws.com/.

[2752] *Loi no. 91, Modifiant les dispositions des articles 23 et 25 du Code du travail*, (June 14, 1999); available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E. See also *Code du Travail*. Despite these protections, by virtue of Section 1 of the Labor Code, the scope of application of these regulations is limited to persons who work in an industrial, commercial or agricultural undertaking for a wage or for

enterprises that are harmful or detrimental to their health, or to hire youth below the age of 16 to work in dangerous environments that threaten their life, health or morals. These types of work include work in underground mines and quarries, manufacturing or sale of alcohol, exposure to or production of chemicals or explosives, demolition work, work in tanneries or with machinery, street vending, begging, domestic service, and pornography, among others.[2753] Sections 107 and 108 of the Labor Code provide for a fine of 100 too 1,000 Lebanese pounds (USD 0.06 to 0.67) and 30 days' to 3 months of imprisonment for anyone who infringes the provisions of the Labor Code, which include the prohibitions relating to child labor.[2754]

There are a number of statutes under which the worst forms of child labor can be prosecuted in Lebanon. There are no laws specifically prohibiting trafficking or forced labor; however, other laws are used to address such offenses. These include article 569 of the Penal Code, which prohibits deprivation of personal freedom and article 11 of the labor code, which limits the scope of work agreements.[2755] Moreover, abduction of a person under the age of 18 for purposes of exploitation is prohibited and punishable by up to 3 years of imprisonment and a fine.[2756] Prostitution is illegal in Lebanon; however, prostitution does occur with the implicit consent of the government.[2757] The minimum age for voluntary recruitment into the armed forces is 18 years of age and there are no indications of children in government armed forces.[2758] Since 1999, the Government of Lebanon has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2759]

The Ministry of Labor (MOL) is responsible for the enforcement of child labor laws, but the Ministry does not apply these laws rigorously, and discrepancies in various legislative measures provide loopholes that facilitate child labor in certain circumstances.[2760] The MOL has a Labor Inspection Team composed of 97 labor inspectors nationwide, but the Child Labor Unit has a shortage of personnel and inadequate resources, which limit the unit's

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another kind of remuneration. See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."

[2753] *Decree No. 700, Prohibiting Employment of Young Persons under the Age of 16 or 17 in Occupations that are Hazardous by Nature or which Endanger Life, Health or Morals*, (June 3), Articles 1-3; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/71934/72963/F1415871086/LBN71934.pdf. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments."

[2754] ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), "CEACR Comments". For currency conversions, See FXConverter, in Oanda.com, [online] [cited December 9, 2005]; available from http://www.oanda.com/convert/classic.

[2755] U.S. Department of State, *Country Reports- 2004: Lebanon*, Sections 5 and 6c. See also U.S. Embassy - Beirut, *reporting*, March 1, 2005.

[2756] ECPAT International, *Lebanon*, Protection.

[2757] U.S. Embassy - Beirut, *reporting*, March 1, 2005.

[2758] Coalition to Stop the Use of Child Soldiers, *Global Report 2004*, Lebanon.

[2759] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[2760] U.S. Department of State, *Country Reports- 2004: Lebanon*, Section 6d. See also U.S. Embassy-Beirut, *reporting*, August 11, 2003. See also Ministry of Labour, *Unit for Combat of Child Labour in Lebanon,* [online] [cited June 28, 2005]; available from http://www.clu.gov.lb.

ability to investigate conditions in small or informal establishments.[2761] Unlike previous years, the government provided no training this year for officials charged with enforcing child labor laws.[2762] In August 2005, the Secretary General of the Higher Council for Childhood stated that officials dealing with the issue of child labor face three main problems: lack of coordination between the appropriate ministries; little capacity building for NGOs who offer education/vocational training to working children; and the absence of a problem-solving approach that addresses prevention, rather than detection of the problem.[2763]

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

The Child Labor Unit of the MOL, with strong support from the National Steering Committee, has been responsible for the development of a National Policy and Program Framework (NPPF) to eliminate child labor. The NPPF outlines effective strategies to eliminate child labor in priority sectors in Lebanon within an established timeframe, using common measures of progress and a plan for coordination among all actors.[2764] The MOL launched the NPPF strategy to combat child labor in cooperation with ILO-IPEC and the National Council for Children in February 2005,[2765] and MOL forwarded the framework to the Cabinet to endorse it as an official document.[2766] In 2005, the Higher Council for Childhood, administered through the Ministry of Social Affairs, organized five regional workshops with NGOs to address obstacles that hinder the application of the law on compulsory education. The Council also participated in a regional project implemented by Catholic Relief Services and CARITAS-Lebanon to raise awareness of working children and their parents on the risks surrounding child labor.[2767]

The government is continuing efforts to counter trafficking in persons, including producing and distributing pamphlets on trafficking to inform victims about various sources of assistance. The government is also improving its cooperation with NGOs, immigration authorities, and source country embassies in victim protection and repatriation.[2768] With support from the UN Office on Drugs and Crime, the Ministry of Justice is implementing a 2-year project, which aims to prevent and combat trafficking in

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[2761] U.S. Embassy- Beirut, *reporting*, August 31, 2005.
[2762] Ibid.
[2763] Ibid.
[2764] ILO-IPEC, *Consolidating Action against the Worst Forms of Child Labour, project document*, 8.
[2765] CHF International, *Alternatives to Combat Child Labor through Educational and Sustainable Services in the Middle East and North Africa Region (ACCESS-MENA)*, technical progess report, Beirut, March 2005, 8.
[2766] U.S. Embassy- Beirut, *reporting,* August 31, 2005.
[2767] The awareness raising campaigns were held in the regions of Sin el Fil and Burj Hammud (East Beirut), Sidon (South Lebanon) and Tripoli/Bab el Tebbaneh (North Lebanon). Ibid.
[2768] U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Embassy - Beirut, *reporting*, March 1, 2005. See also U.S. Embassy- Beirut, *reporting*, January 28, 2005.

human beings in Lebanon by strengthening criminal justice mechanisms and harmonizing legislation with international conventions and norms.[2769]

The Government of Lebanon is continuing to participate in two child labor projects funded by USDOL. The first is a USD 1.5 million ILO-IPEC project to support the MOL and its implementation of the NPPF to eliminate the worst forms of child labor.[2770] CHF International and its Lebanese partner Rene Moawad Foundation are implementing a USDOL-funded USD 8 million sub-regional project to combat child labor through education in Lebanon and Yemen, with substantial involvement by the Ministries of Education and Labor.[2771] In July 2005, in collaboration with the ILO and various NGOs that assist working children, the MOL convened a forum to highlight the educational and health rights of working children, which received wide coverage in the media.[2772]

The World Bank is continuing to support a USD 56.6 million project to enhance the capacity of the Ministry of National Education, Youth and Sport. This 5-year program, which aims to benefit 20,000 primary and secondary students through school construction and 130,000 secondary students through the introduction of new technology and in-service teacher training, will continue through 2007.[2773]

[2769] Nada Bakri and Leila Hatoum, "Rizk, Swiss FM Kick Off Project to Combat Human Trafficking," *Daily Star* (Beirut), November 1, 2005; available from http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=19748.

[2770] Through its ongoing collaboration with MOL, ILO-IPEC will implement direction action programs in the poverty belts of Beirut (north-eastern and southern suburbs); South Lebanon (Muhaffazat el-Nabbattiye and Saida); and North Lebanon (the cities of Tripoli and Akkar and the Beqaa area). These programs are aimed at the prevention, rehabilitation, and withdrawal of children from the worst forms of child labor. See ILO-IPEC, *Consolidating Action against the Worst Forms of Child Labour, project document*, 27-28. See also U.S. Embassy- Beirut, *reporting,* August 31, 2005. Among the activities already underway in the ILO-IPEC program are a survey to identify the hazardous industries involving child labor in Lebanon and focus groups with working children, ages 14 to 18, to identify the negative consequences of child labor. See U.S. Embassy - Beirut, *reporting,* March 1, 2005.

[2771] The project aims to provide education, skills training, and entrepreneurial opportunities to 4,500 working and at-risk children in seasonal agriculture in Akkar, industrial labor and domestic work in Bab el-Tebbaneh, urban work in Beirut, and tobacco cultivation in southern Lebanon. See CHF International, *March 2005, technical progess report*. See also U.S. Embassy- Beirut, *reporting,* August 31, 2005.

[2772] U.S. Embassy- Beirut, *reporting,* August 31, 2005.

[2773] World Bank, *General Education Project,* in Projects Database, [online] [cited June 27, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P045174. See also World Bank, *World Bank Approves Loan to Lebanon for General Education*, press release, Washington, D.C., March 31, 2000; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20017568~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

Lesotho

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/14/2001	
Ratified Convention 182	6/14/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 28.1 percent of children ages 5 to 14 years were counted as working in Lesotho in 2000. Approximately 31.3 percent of all boys 5 to 14 were working compared to 25 percent of girls in the same age group.[2774] Available information on the occupations in which they work is anecdotal, but suggests that jobs performed by children tend to be gender specific. Boys as young as 4 are employed as livestock herders in the highlands, either for their family or through an arrangement where they are hired out by their parents. Boys also work as load bearers, car washers, and taxi fare collectors. Girls are employed as domestic servants. Some teenage children, primarily girls, are involved in prostitution. UNICEF and the Government of Lesotho (GOL) believe that the number of individuals under the age of 18 who are involved in prostitution is small, but increasing.[2775] Child labor is one of many problems associated with poverty. A severe HIV/AIDS epidemic in Lesotho has left many children orphaned and vulnerable, and has led to an increase in poverty among children. The number of children who have been orphaned by HIV/AIDS is placed conservatively at 18,000.[2776] In 1995, the most recent year for which data are available, 36.4 percent of the population in Lesotho were living on less than USD 1 a day.[2777]

The Constitution of Lesotho, which went into force in 1993, states that Lesotho "shall endeavour to make education available to all."[2778] In 2005, the first 6 of 7 years of primary education were free.[2779] Education is compulsory for children between the ages

[2774] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2775] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Lesotho*, Washington, DC, February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41610.htm.

[2776] U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

[2777] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2778] *The Constitution of Lesotho*, (April 2, 1993), Chapter 2, Section 28; available from http://www.lesotho.gov.ls/constitute/gconstitute.htm#4.%20Fundamental%20human%20rights%20and%20freedoms.

[2779] Lesotho Ministry of Education and Training, *National Report on the Development of Education: Kingdom of Lesotho*, International Conference on Education, Geneva, September 2004, 13; available from http://www.ibe.unesco.org/International/ICE47/English/Natreps/Nrep_main.htm.

of 6 and 13.[2780] In 2002, the gross primary enrollment rate was 126 percent and the net primary enrollment rate was 86 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.[2781] In 2000, 80.7 percent of children ages 5 to 14 years were attending school.[2782] As of 2002, 78 percent of children who started primary school were likely to reach grade 5.[2783] Many children in rural areas do not receive full primary education due to their participation in subsistence activities, their inability to pay school-related fees such as for uniforms and materials, and the relatively small number of schools.[2784] Many boys' attendance in primary school is low because their participation in livestock herding involves long hours in remote locations.[2785]

Child Labor Laws and Enforcement

The Constitution of Lesotho identifies the "protection of children and young persons" as a principle of state policy.[2786] The Labor Code of 1992 establishes the minimum age for employment at 15, although children between 13 and 15 may perform light work in a home-based environment, technical school, or other institution approved by the government. Also exempt from the minimum age is work performed by a child of any age in a private undertaking of their own family, so long as there are no more than 5 other employees, and each is a member of the child's family.[2787] Although there is no specific listing of work that is likely to jeopardize the health, safety or morals of children,[2788] the Labor Code in general prohibits employment of children in work that is harmful to their health or development. It sets restrictions on night work by children, and also restricts work by children in mines and quarries. Persons under the age of 16 may not work for more than 4 consecutive hours without a break of at least one hour, and may not work

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[2780] Government of Lesotho, *Universal Primary Education*; available from http://www.lesotho.gov.ls/lscietech.htm.

[2781] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2782] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[2783] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[2784] U.S. Department of State, *Country Reports- 2004: Lesotho*, Section 5.

[2785] Ibid., Section 6d. See also ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September 15, 2003, 10.

[2786] *The Constitution of Lesotho*, Chapter 3, Section 32.

[2787] *Labour Code Order*, 24, (1992), Sections 3, 124; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm. See also U.S. Embassy-Maseru official, email communication to USDOL official, August 14, 2006.

[2788] CEACR, *Worst Forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.

more than 8 hours in any one day. Each employer is required to keep a register of all its employees, including those under the age of 18.[2789]

Unconditional worst forms of child labor are not separately prohibited but some instances of the WFCL can be prosecuted under a variety of laws. The Constitution of Lesotho identifies freedom from forced labor and slavery as a fundamental right available to all people.[2790] The Labor Code further defines forced labor and makes it illegal.[2791] By the Defense Act of 1996, there is no compulsory military service, and the minimum age for voluntary enrollment is 18. Proclamation No. 14 of 1949 makes it illegal to procure or attempt to procure a woman or a girl to become a prostitute within Lesotho, or to leave Lesotho so that she may be a prostitute elsewhere. Proclamation No. 9 of 1912 addresses "Obscene Publications," and makes it illegal to import, manufacture, sell, distribute, or otherwise make public any indecent or obscene publication. Proclamation 35 of 1922 covers "Opium and Habit Forming Drugs," and makes illegal the manufacture, sale, procurement, barter, gifting, administration, import or export of opium or other habit-forming drugs.[2792] There are no laws prohibiting trafficking in persons.[2793]

Penalties for the violation of the above-mentioned laws may include fines, prison time, or both. The Labor Code dictates a fine of 300 Maloti (approximately USD 45), imprisonment of up to 3 months, or both, for any employer who employs an underage child; or, for an employer who fails to keep a register of all employees who are children and young persons (under age 18). An identical set of penalties may be levied on parents or guardians who permit their child to be employed in violation of the Labor Code. The Labor Code also dictates a fine of 600 Maloti (approximately USD 90), imprisonment of up to 6 months, or both, for persons who employ a child or young person in violation of restrictions related to dangerous work, required rest periods, parental rights to refuse work for their children, and children's rights to return each night to the home of their parents or guardians. The use of forced labor—adult or child—may bring a penalty of 2000 Maloti (approximately USD 300) or up to 1 year in prison.[2794] Prison time is governed by the following maximum penalties: up to 6 years for procuring a girl or woman for prostitution; up to 2 years for the production and distribution of obscene materials; and, up to 3 years for the production, trade, or trafficking of opium and habit-forming drugs.[2795]

[2789] *Labour Code Order*, Sections 125-128.
[2790] *The Constitution of Lesotho*, Chapter 2, Section 9. Conscripted labor by convicts, prisoners, members of the military, under certain emergency circumstances, and for "reasonable and normal" community service is not defined as forced labor.
[2791] *Labour Code Order*, Sections 3 and 7.
[2792] CEACR, *Worst Forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*. The CEACR has noted that Proclamation No. 14 does not cover boys.
[2793] U.S. Department of State, *Country Reports- 2004: Lesotho*, Section 5. See also *The Constitution of Lesotho*.
[2794] *Labour Code Order*, Sections 3, 7, 124-129. U.S. currency equivalents approximated based on CEACR, *Worst Forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*.
[2795] CEACR, *Worst Forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*.

The Labor Code indicates that a Labor Commissioner should be appointed to administer the code, and provides broad powers for the Commissioner and subordinates to perform workplace inspections.[2796] The Ministry of Employment and Labor has 24 trained inspectors who are responsible for uncovering all violations of the Labor Code, not only those related to child labor. Each quarter a random sample of employers is inspected. In checking for child labor violations, inspectors are trained to identify by sight workers they believe to be children, verify their documentation and work activities against the employer's register of children and young people, and assess the permissibility of activities of individuals confirmed to be children against the Labor Code. Employers identified by inspection as problematic are revisited.[2797] The CEACR has noted that little information is forthcoming from the GOL on the effectiveness of its enforcement efforts, and that general concerns have been raised by others to suggest that the provisions of the Labor Code related to children may not be adequately enforced. Little information exists on the enforcement of laws related to the unconditional worst forms of child labor. The CEACR has asked the Government "to provide information on the practical application of the penalties laid down in the relevant provisions."[2798]

In 2002, the Government of Lesotho, in cooperation with UNICEF, created the Gender and Child Protection Unit (GCPU) which serves as the nation's lead child protection law enforcement agency. The GCPU became fully functional in 2004. While it is typically involved with domestic and child abuse issues, the GCPU also has the mandate to confront child labor issues.[2799]

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

Lesotho's Ministry of Employment and Labor (MOEL) has prepared a draft child labor action plan that is currently under government review.[2800] It is scheduled for finalization in 2006.[2801]

Child labor in herding has been the focus of much recent attention.[2802] In 2005, with funding assistance from USDOL, ILO-IPEC worked with Lesotho's Ministry of Employment and Labor (MOEL) to complete a case study of the situation of herd

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[2796] Ibid.
[2797] U.S. Embassy - Maseru, *reporting*, September 5, 2005. See also U.S. Embassy - Maseru official, email communication with USDOL official, December 5-7, 2005.
[2798] CEACR, *Worst Forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Direct request, CEACR 2004/75th Session*.
[2799] U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.
[2800] American Institutes for Research (AIR), *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education, Technical Progress Report to USDOL International Child Labor Program*, March, 2005, 2.
[2801] American Institutes for Research official, email communication to USDOL official, December 14, 2005.
[2802] American Institutes for Research (AIR), *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education, Technical Progress Report to USDOL International Child Labor Program*, September, 2005, 35.

boys.[2803] The Ministry of Gender Youth Sports and Recreation is formulating an action plan to reach 8,000 herd boys in 10 districts.[2804] Herd boys are major beneficiaries of literacy courses and non-formal education efforts coordinated by the Ministry of Education.[2805]

USDOL-funded projects are also concerned with other forms of child labor in Lesotho. The ILO-IPEC/MOEL project is a multi-year project carrying out a number of activities related to child labor. In 2005, the MOEL finalized a report based on a nationally representative statistical survey of households. It also finalized case studies of commercial sexual exploitation of children, child domestics, and street children.[2806] The American Institutes for Research (AIR) was awarded a USD 9 million grant by USDOL in August 2004 to implement a multi-year regional Child Labor Education Initiative project in Southern Africa, and is working with stakeholders in Lesotho on activities there. In 2005, an AIR-supported consortium of NGOs completed a baseline study on alternative education delivery systems to increase working children's access to education.[2807]

The Government of Lesotho has also partnered with UNICEF and other organizations to address child labor-related issues**.** Press reports indicate that in March 2005, the government released two studies, one on child domestic workers and the other dealing with youth sexuality issues, including prostitution. The studies were commissioned jointly by Lesotho's Ministry of Health and Social Welfare, the Ministry of Gender and Youth, Sports and Recreation, and UNICEF.[2808] In 2005, the Government of Lesotho completed a Poverty Reduction Strategy Paper (PRSP) that is meant primarily to guide poverty-reduction programs sponsored by the World Bank and the International Monetary Fund, but may also provide guidance to other efforts. The PRSP contains a brief section on the relationship between adult unemployment and child labor.[2809] More

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[2803] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland, Technical Progress Report*, September 2005, 7.

[2804] American Institutes for Research (AIR), *AIR Technical Progress Report, September 2005*, 45.

[2805] U.S. Embassy - Maseru, *reporting*. Non-formal education is education that takes place out of the context of the normal schooling system, e.g., away from formal schools or outside of normal schooling hours.

[2806] ILO-IPEC, *September 2005 Progress Report*, 7.

[2807] American Institutes for Research (AIR), *AIR Technical Progress Report, September 2005*, 7.

[2808] IRINnews.org, *Lesotho: Govt Tackles Child Labour and Exploitation,* April 1, 2005 [cited June 6, 2005]; available from http://www.irinnews.org. See alsoSundaytimes.co.za, *Suffering of Lesotho's Children Revealed,* April 4, 2005 [cited June 6, 2005]; available from http://www.suntimes.co.za/zones/sundaytimesNEW/basket6st1112619163.aspx. The reports are entitled "Hear Us" and "Speaking Out." See also U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

[2809] Kingdom of Lesotho, *Poverty Reduction Strategy 2004/2005-2006/2007*, 2005, 107; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/08/18/000160016_20050818101923/Rendered/PDF/32541a.pdf. For a description of the general purpose of a PRSP, see International Labor Office, *The Impact of the ILO's Engagement with the Poverty Reduction Strategy Papers (PRSPs) Process*,

generally, a joint assessment by staff of the World Bank and the International Monetary Fund identified the attention paid to children as a major strength of the PRSP.[2810]

In 2005, the government extended implementation of a free primary education policy to cover an additional year of schooling.[2811] The government is operating an Education Sector Strategic Plan. It incorporates the free education policy and aims to increase access to education at all levels, reform curriculum, ensure the provision of teaching and learning materials, and invest in teacher training and professional development.[2812] The Ministry of Education has also introduced a textbook loan program which dramatically reduces a portion of educational costs traditionally passed on to students. Two other programs have helped vulnerable children defray the costs of secondary education: His Majesty's Scholarship Program for Vulnerable Children, and the U.S. Embassy's Ambassador's Girls Scholarship Program.[2813]

GB.294/ESP/5, Geneva, November 2005, 2; available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb294/pdf/esp-5.pdf.

[2810] International Development Association and International Monetary Fund, *Poverty Reduction Strategy Paper, Joint Staff Advisory Note*, July 18, 2005, 1; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/08/18/000160016_20050818101923/Rendered/PDF/32541a.pdf.

[2811] It now covers 6 of 7 years. See Lesotho Ministry of Education and Training, *National Report on the Development of Education: Kingdom of Lesotho*, 13.

[2812] Government of Lesotho, *Education Sector Strategic Plan: Lesotho,* as cited in UNESCO, EFA National Action Plans, [cited May 13, 2004], Section 1.3.1; available from http://portal.unesco.org/education/en/ev.php-URL_ID=21003&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[2813] U.S. Embassy- Maseru official, email communication to USDOL official, August 14, 2006.

Macedonia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/17/1991	
Ratified Convention 182	5/30/2002	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Macedonia are unavailable.[2814] Children work in the informal sector, on family farms (though usually not during school hours) and in illegal small businesses.[2815] They also beg on the streets and sell cigarettes and other small items in markets, on the streets, and in bars or restaurants, including at night.[2816] It is believed that these children are predominantly of the minority Roma ethnic group.[2817] Child labor is one of many problems associated with poverty. In 2003, the most recent year for which data are available, less than 2.0 percent of the population in Macedonia were living on less than USD 1 a day.[2818] Macedonia is primarily a transit and destination country for trafficking.[2819] Girls are involved in commercial sexual exploitation and trafficked for the purposes of forced prostitution, particularly in tourist areas.[2820] Children trafficked to Macedonia for commercial sexual exploitation come from the former Soviet Union and Eastern and Southeastern Europe, particularly Albania, Bulgaria, Moldova, and Romania.[2821] Macedonia is also a country of origin for small numbers of trafficked persons.[2822] The government provides no official data on internal trafficking due to a reluctance to

[2814] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[2815] U.S. Embassy- Skopje, *reporting*, August 26, 2005. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Macedonia*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/index.htm.

[2816] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 6d.

[2817] U.S. Embassy- Skopje, *reporting*. See also U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

[2818] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2819] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Macedonia*, Washington, DC, June 2005, 146; available from http://www.state.gov/documents/organization/47255.pdf.

[2820] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

[2821] U.S. Department of State, *Trafficking in Persons Report- 2005*, 146. See also The Protection Project, *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children*, Washington, DC, 2005; available from http://www.protectionproject.org/pub.htm.

[2822] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

acknowledge that the problem exists; however, reports of its occurrence have increased and suggest that Roma children are particularly vulnerable.[2823]

The Constitution mandates free and compulsory primary education and all children are guaranteed equal access, although students pay for books and other materials.[2824] Education is mandatory through grade 8 or through the age of 16.[2825] In 2002, the gross primary enrollment rate was 97 percent and the net primary enrollment rate was 91 percent.[2826] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Macedonia.[2827] School attendance and completion rates appear to be lower among ethnic minorities such as the Albanian and Roma communities.[2828]

Child Labor Laws and Enforcement

The Constitution and the Labor Relations Act set the minimum age for employment at 15. The Constitution prohibits the employment of minors in work that is "detrimental to their health or morality."[2829] The Labor Relations Act further prohibits children under the age of 18 from performing underground work in mines, working overtime, working at night between 10 p.m. and 6 a.m., or performing work that involves "strenuous physical labor, underground or underwater work or other jobs, which may be harmful or threatening to their health and life."[2830] The law allows children 14 years of age to work if it is part of an official education program such as an apprenticeship or vocational training program.[2831] Employers who illegally employ minors face a potential fine of 50

[2823] Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, the UN Administered Province of Kosovo*, UNDP, New York, March 2005, 110-111; available from http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf. See also U.S. Department of State, *Trafficking in Persons Report- 2005*, 146. See also U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

[2824] *Constitution of Macedonia, 1991*, (November 17, 1991), Article 44; available from http://www.oefre.unibe.ch/law/icl/mk00000_.html. See also U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

[2825] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

[2826] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005).

[2827] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[2828] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.

[2829] *Labor Relations Act: Macedonia*, (December 27, 1993), Section 7; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/47727/65084/E93MKD02.htm. See also *Constitution of Macedonia, 1991*, Article 42, *Labor Relations Act: Macedonia, 1993*, Sections 63, 66 and 67.

[2830] *Labor Relations Act: Macedonia, 1993*, Sections 7, 63, 66, and 67.

[2831] U.S. Embassy- Skopje, *reporting*.

to 100 times the national average monthly salary.[2832] The Defense Law prohibits individuals under the age of 18 from serving in the armed forces.[2833]

The worst forms of child labor may be prosecuted under different statutes in Macedonia. The Criminal Code prohibits child trafficking and punishes those convicted of such an offence with at least 8 years in prison. Individuals who knowingly engage in sexual relations with a trafficked child are also subject to 8 years in prison.[2834] The Constitution prohibits forced labor.[2835] The Criminal Code prohibits the procurement of juveniles for sexual acts.[2836]

The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children, and is also responsible for providing services to children who are victims of child labor through the Centers for Social Care.[2837] Ministry of Labor and Social Welfare inspectors are responsible for investigating child labor violations.[2838] The Government also established an Ombudsman's Office responsible for protecting citizens from violations of their constitutional and legal rights by administrative and other government bodies, which includes a Department for Protection of Children's Rights.[2839] The Ombudsman's office has not received a child labor related case since its establishment.[2840]

While a legal framework is in place, there has been little practical implementation of child labor laws and policies.[2841] As of August, the government had not levied any penalties for child labor violations in 2005.[2842]

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

The Government of Macedonia is developing a National Action Plan of Child Rights, which will include victims of the worst of forms of child labor as a target group, and a National Plan of Action for the Fight against Trafficking of Children.[2843] The Ministry of the Interior is responsible for developing the plan of action against child trafficking and established a group to combat this particular problem.[2844] In cooperation with the

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[2832] Ibid.
[2833] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Macedonia*, London, 2004, 255; available from http://www.child-soldiers.org/regions/country.html?id=126.
[2834] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5.
[2835] *Constitution of Macedonia, 1991*, Article 11.
[2836] Protection Project, *2005 Human Rights Report on Trafficking in Persons*.
[2837] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 6d. See also U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2838] U.S. Embassy- Skopje, *reporting*.
[2839] UNICEF FYR Macedonia, *Ombudsperson for Children,* UNICEF, [online] 2004 [cited May 12, 2004]; available from http://www.unicef.org/macedonia/protection/protection_rights_content.htm.
[2840] U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2841] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 6d.
[2842] U.S. Embassy- Skopje, *reporting*.
[2843] Ibid.
[2844] Protection Project, *2005 Human Rights Report on Trafficking in Persons*.

government, UNICEF is developing public awareness raising campaigns on street children and child trafficking.[2845]

The Government of Macedonia is also implementing a number of programs aimed at improving the general welfare and education of children. The Ministry of Labor and Social Welfare, through the National Centers for Social Care, runs a center for street children in Skopje. The center is government funded, and has also received support from UNICEF and local private companies. Since it opened in December 2004, 286 children between the ages of 4 and 14 have received assistance from the center. Approximately 85 percent of the children are from the Roma community. This center serves approximately 60 children daily and is staffed by social workers, psychologists, and teachers.[2846] The government also operates the "Project for Children on the Streets," which organized shelters for abandoned children and is intended to prevent children from working.[2847] The government also runs a transition center for women and children involved in prostitution, and a center for women and children who are victims of family violence[2848]

Programs to improve children's education include a USD 3.2 million USAID project to improve teaching methods and curriculum, a USD 10 million USAID project to provide information technology access and training to all primary and secondary schools, and a USD 3 million program funded by a number of international organizations to improve school attendance and performance of Roma children.[2849] The World Bank is funding the Community Development Project, which includes a component to rehabilitate school heating systems and provide school furniture.[2850] It also funded the $5 million Education Modernization project to strengthen school-level planning and management and build the capacity of central and local governments to operate a decentralized education system.[2851] In addition, the OSCE is training public school teachers on how to educate students about children's human rights.[2852]

[2845] U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2846] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5. See also U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2847] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 6d.
[2848] U.S. Department of State, *Country Reports- 2004: Macedonia*, Section 5. See also U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2849] U.S. Embassy- Skopje, *reporting*. See also U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2850] The project ended in December 2005. World Bank, *Community Development Project,* World Bank, [online] July 7, 2005 [cited July 7, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P076712.
[2851] The project is scheduled to close in September 2009. World Bank, *Education Modernization,* July 7, 2005 2004 [cited July 7, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P066157. See also U.S. Department of State official, email communication to USDOL official, August 14, 2006.
[2852] OSCE Spillover Monitor Mission to Skopje press release, "OSCE Skopje Mission promotes human rights education for children," June 30, 2005 [cited July 8, 2005]; available at http://www.osce.org/skopje/item_1_15471.html.

Madagascar

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/31/2000	
Ratified Convention 182	10/4/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 24.3 percent of children ages 6 to 14 years were counted as working in Madagascar in 2001. Approximately 24.8 percent of all boys 6 to 14 were working compared to 23.7 percent of girls in the same age group.[2853] Children work in agriculture, commercial fishing, domestic service, salt production, gemstone mining, and stone quarries.[2854] They also work as porters, cattle herders, and welders.[2855] Children can also be found working in bars and night clubs.[2856] Commercial sexual exploitation is a problem in most of Madagascar's urban areas and child sex tourism is most common in small coastal towns and villages.[2857] Child labor is one of many problems associated with poverty. In 2001, 61 percent of the population in Madagascar were living on less than USD 1 a day.[2858]

Children from Madagascar are trafficked internally for sexual exploitation and possibly forced labor. Children in Antananarivo are trafficked to coastal cities for commercial sexual exploitation under false pretenses of legitimate job prospects, such as domestic service.[2859]

[2853] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[2854] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar--IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Project Document, MAD/04/P50/USA, Geneva, 2004, 2-8. See also, Demographie et des Statistiques Sociales, *MICS 2000 Madagascar Rapport Complet*, UNICEF, 2000, 151; available from http:///www.childinfo.org/MICS2/newreports/madagascar/madagascar.PDF. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Madagascar*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41612.htm.

[2855] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 7, 5, 8.

[2856] Ibid., 5-6.

[2857] Ibid., 6. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

[2858] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[2859] U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.

The Constitution guarantees children the right to a free education,[2860] but parents must pay for furniture and teachers' salaries.[2861] In 2002, the gross primary enrollment rate was 120 percent and the net primary enrollment rate was 79 percent.[2862] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 65.6 percent of children ages 6 to 14 years were attending school.[2863] As of 2001, 53 percent of children who started primary school were likely to reach grade five.[2864] Student repetition and dropout rates are high, at 24.5 percent and 7.4 percent respectively.[2865] A government policy requiring all children to have a birth certificate prior to enrolling in school has limited school attendance in Madagascar.[2866] The education system is further hindered by a lack of materials and equipment in schools; unmotivated teachers; uneven class and school sizes; poorly developed vocational and technical training programs; few non-formal education programs for dropouts; and parents' lack of confidence in the education system.[2867]

Child Labor Laws and Enforcement

The Government of Madagascar reformed its Labor Code in 2005, increasing the minimum age for employment to 15 years[2868] from 14 years.[2869] In addition, the newly-reformed Labor Code strengthened the penalties for child labor violations. All violations of the Labor Code will now result in 1 to 3 years' imprisonment and a fine of 1 to 3 million Ariary (USD 470 to 1409).[2870] The Labor Code also prohibits children from engaging in work that is harmful to their health and normal development.[2871] Children under the age of 18 are prohibited from performing work at night, on Sundays, or in

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[2860] *Constitution of Madagascar, 1992*, (August 19, 1992); available from http://www.oefre.unibe.ch/law/icl/ma00000_.html. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

[2861] UN Committee on the Rights of the Child, *Concluding Observations: Madagascar*, CRC/C/15/Add.218, prepared by Government of Madagascar, pursuant to Article 44 of the Convention on the Rights of the Child, October 27, 2003, para. 57.

[2862] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[2863] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[2864] UNESCO Institute for Statistics, "School life expectancy, % of repeaters, survival rates; accessed December 2005," available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55.

[2865] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 3.

[2866] Ibid., 3-4. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.

[2867] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 4.

[2868] U.S. Embassy- Antananarivo, *reporting*, August 23, 2005.

[2869] *Labor Code*, (August 25, 1995); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41776/64975/F95MDG01.htm.

[2870] U.S. Embassy- Antananarivo, *reporting,* August 23, 2005. FX Converter, [online] [cited January 17, 2006]; available from http://www.oanda.com/convert/classic.

[2871] *Labor Code*, Article 100. U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d.

excess of 8 hours a day or 40 hours a week.[2872] A labor inspector can request a medical examination to ensure that children's work does not exceed their capacity.[2873]

The worst forms of child labor may be prosecuted under different statues in Madagascar. Forced or bonded labor by children is prohibited under the Labor Code.[2874] The Penal Code prohibits engaging in sexual activities of any type with children under the age of 14, and the production and dissemination of pornographic materials showing minors is illegal.[2875] The Penal Code also bars children under the age of 18 years from entering discotheques and nightclubs. While there is no law that prohibits trafficking in persons, the government is currently working to overhaul its trafficking-related laws.[2876] Malagasy law does not allow children under 18 years to be recruited for service in armed conflicts.[2877] Since 1999, the Government of Madagascar has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2878] The Government of Madagascar considers domestic service, stone quarry work, gemstone mining, hazardous and unhealthy work in the rural and urban informal sectors, and the commercial sexual exploitation of children to be worst forms of child labor.[2879]

The Ministry of Civil Service, Social Laws, and Labor enforces child labor laws through inspections.[2880] At the end of 2005, there were 74 labor inspectors in Madagascar.[2881] Labor inspectors are not responsible for enforcing laws in rural areas or the informal sector, where most children work, and they lack the resources to enforce labor laws properly.[2882] According to the U.S. Department of State, enforcement of child labor laws in Madagascar's informal sector was inadequate.[2883]

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

The Government of Madagascar began implementing the first phase of its 15-year National Action Plan on Child Labor in the second half of 2004. The government is also implementing an ILO-IPEC Timebound Program, funded by USDOL, which aims to eliminate the worst forms of child labor and provide education and other services to

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[2872] *Labor Code*, Chapter III, Articles 101 and 95.
[2873] Ibid., Chapter III, Article 101.
[2874] Ibid., Title I, Article III. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6c.
[2875] Ministry of Justice, *Droits de l'Enfant*, UNICEF, December 28, 2001, 421-423.
[2876] U.S. Department of State, *Trafficking in Persons Report 2005*.
[2877] The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.
[2878] ILO- IPEC official, email communication to USDOL official, November 14, 2005.
[2879] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 5.
[2880] U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10.
[2881] U.S. Embassy Antananarivo official, email communication to USDOL official, August 10, 2006.
[2882] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10.
[2883] U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d.

vulnerable children.[2884] The Timebound Program focuses on eliminating exploitative child labor in domestic service, stone quarry work, gemstone mining, child prostitution, and hazardous and unhealthy work in the rural and urban informal sectors.[2885] The Government of Madagascar continued to participate in two French-funded ILO-IPEC projects to combat child labor in Francophone African countries.[2886] In addition, UNICEF, the National Council for the Fight Against HIV/AIDS, and *Groupe Developpement* have worked with the government to raise awareness about commercial sexual exploitation of children (CSEC) and have expressed interest in collaborating with the government to implement National Plan of Action activities to eliminate CSEC in Madagascar.[2887]

The Committee on the National Action Plan to Eliminate Child Labor undertook numerous efforts in 2005. The Committee conducted a series of child labor workshops and met to refine its child labor strategy for 2005-2008. The Committee has also been implementing systems at the regional and provincial levels to track the incidence of child labor in Madagascar.[2888] The government also continues its efforts to construct Welcome Centers for children involved in the worst forms of child labor, including forced labor and trafficking. The Ministry of Labor has provided education or professional training to over 70 children through its Welcome Centers.[2889] The government is active in raising public awareness about trafficking, prostitution, and child labor through skits, radio programs, films, and children's drawing, poetry, and essay contests.[2890] The Ministry of Labor collaborated with ILO-IPEC to launch an awareness-raising campaign in June 2005 that included televised public service announcements by high-level government officials.[2891]

The Government of Madagascar is making significant efforts to reduce the sexual exploitation of children by increasing its enforcement of laws that bar children from nightclubs.[2892] The government collaborated with UNICEF in training 180 police officers on how to identify, investigate, and prosecute trafficking cases, and also sponsored a workshop on sex tourism that was widely attended. In 2005, the government

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[2884] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 11.
[2885] In the rural informal sector, children working on sisal plantations and in fishing will be targeted for services. Ibid., 43. See also U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 6d.
[2886] One project was funded at USD 1.4 million and ended in June 2005, while the other was funded at USD 1.6 million and is slated to end in December 2006. Both projects include the following countries: Burkina Faso, Cote d'Ivoire, Mali, Morocco, Niger, and Senegal. ILO-IPEC official, email communication to USDOL official, November 8, 2005.
[2887] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 13.
[2888] These systems were operational as of August 2005 in the cities of Antananarivo, Nosy Be, Tamatave, and Diego Suarez. U.S. Embassy- Antananarivo, *reporting,* August 23, 2005.
[2889] Two Welcome Centers are currently operational, and a third is being constructed. Ibid.
[2890] U.S. Department of State, *Trafficking in Persons Report 2005*.
[2891] U.S. Embassy- Antananarivo, *reporting,* August 23, 2005.
[2892] The police unit responsible for enforcing these laws is the Minors' Brigade. The Minors' Brigade in Antananarivo recently performed three raids of nightclubs, discovering a total of 53 children under age 18. Three new Minors' Brigades have been established in the provinces as well. U.S. Department of State, *Trafficking in Persons Report 2005*.

named "combating trafficking in persons" as one of its strategic goals that it published in the country's major newspapers.[2893]

The government distributes school supplies to primary school children as part of the Education for All program.[2894] A World Bank-funded project working to universalize quality primary education, improve the capacity of the education ministry at local levels, and improve access to quality student and teacher learning materials in primary schools was completed in 2005.[2895] The Government of Madagascar is currently receiving support from the Education for All Fast Track Initiative to achieve its goal of implementing universal quality primary education.[2896] In 2005, the World Bank approved a USD 80 million credit for Madagascar to implement its Poverty Reduction Strategy Paper, which includes continued support for Education for All activities. The credit will continue support for policy measures to increase both quality and access to primary education, including material support to all primary students and the elimination of school fees.[2897] The WFP is collaborating with the government to improve access to basic education for children, especially girls, through its Madagascar food program.[2898] UNICEF is working to help the government adopt a new "competency-based learning approach," which will encourage girls to attend and participate in schools, and provide outreach services to children who are out of school.[2899] The Government of Madagascar, in collaboration with UNICEF, continued to implement a program to issue birth certificates to all Malagasy children, which is expected to increase school enrollment.[2900]

[2893] Ibid.
[2894] U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5.
[2895] The 7-year program was funded in 1998. World Bank Projects Database, http://www.worldbank.org [hard copy on file] (Education Sector Development Project; accessed September 29, 2004).
[2896] World Bank, *Education for All Fast Track Initiative- Frequently Asked Questions,* [online] August 19, 2005 [cited September 29, 2005]; available from www.fasttrackinitiative.org/education/efafti/faq.asp.
[2897] World Bank, *Madagascar: World Bank Approves US$80 Million for Poverty Reduction in Madagascar*, press release, Washington, D.C., July 12, 2005; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/MADAGASCAREXTN/0,contentMDK:20579770~menuPK:356371~pagePK:141137~piPK:141127~theSitePK:356352,00.html.
[2898] The World Food Programme, *World Hunger: Madagascar,* [cited June 30, 2005]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=450.
[2899] UNICEF, *At a Glance: Madagascar,* [cited June 30, 2005]; available from http://www.unicef.org/infobycountry/madagascar.html.
[2900] This three-year campaign was launched in 2004. Children are not able to attend school in Madagascar without a birth certificate, and currently there is no uniform system for registering births in the country. U.S. Department of State, *Country Reports- 2004: Madagascar*, Section 5. However, in some instances, children are allowed to attend school without a birth certificate, but are required to have a birth certificate in order to take the exam at the end of primary school. U.S.Embassy-Antananarivo official, email communication to USDOL official, August 10, 2006. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 3-4.

Malawi

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/19/1999	
Ratified Convention 182	11/19/1999	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 8.9 percent of children ages 5 to 14 were counted as working in Malawi in 2000. Approximately 7.7 percent of all boys 5 to 14 were working compared to 10 percent of girls in the same age group.[2901] Children work on tobacco and tea farms, on subsistence farms, and as domestic servants and vendors. Girls working as domestic servants in urban areas often receive little or no pay.[2902] To a lesser extent, children also work in other informal sector jobs, such as welding, furniture making, bicycle repair, carpentry, and brick making.[2903] Children in the agricultural sector often work alongside their parents in fields where their parents work as tenant farmers.[2904] Situations of bonded labor have been reported among tobacco tenants and their families, including children.[2905] Reports indicate an increased number of children perform agricultural work to earn money for food or to support their families.[2906] Along the border with Tanzania, young girls have reportedly been traded or sold to tribal chiefs and taken to other villages.[2907] Over the past few years, the practice of poor families exchanging daughters

[2901] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report entitled "Data Sources and Definitions."

[2902] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Malawi*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41613.htm. See also The Republic of Malawi, *National Report on The Follow-Up to The World Summit For Children*, UNICEF, 2000, 3; available from http://www.unicef.org/specialsession/how_country/edr_malawi_en.PDF.

[2903] Liv Tørres, *The Smoking Business: Tobacco Tenants in Malawi*, Fafo Institute for Applied Social Sciences, 2000, 74; available from http://www.fafo.no/pub/rapp/339/339-web.pdf. See also ILO/IFBWW, *Change in Malawi: Children Working in the Brick Kilns*, Geneva, March 2001; available from http://www.ilo.org/public/english/dialogue/actrav/genact/child/download/malawi.pdf.

[2904] U.S. Embassy- Lilongwe, *reporting*, October 2, 2001. An ILO-IPEC study demonstrated that in a survey of 74 children in four districts, 94 percent of children working in agriculture in the sample study were under 14 years old, 87 percent missed school as a result of work, and 51 percent were injured on the job during the previous 12 months. See ILO-IPEC, *Malawi Child Labor Baseline Survey Report*, February 12, 2003, 25, 26, 30.

[2905] International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies of Malawi*, online, Geneva, February 6-8, 2002, [accessed December 16, 2005]; available from http://www.icftu.org/displaydocument.asp?Index=991214742&Language=EN&Printout=Yes. See also Tørres, *The Smoking Business*, 78-79.

[2906] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 6d.

[2907] U.S. Embassy- Lilongwe, *reporting*, March 10, 2004.

for cattle or money has reportedly re-emerged, though it is not widespread.[2908] Child labor is one of many problems associated with poverty. In 1997, the most recent year for which data are available, 41.7 percent of the population in Malawi were living on less than USD 1 a day.[2909]

Malawi is a source country for children trafficked internally and to South Africa for forced labor or commercial sexual exploitation. Children are also trafficked within the country for exploitation in forced agricultural labor.[2910] There are unconfirmed reports of small numbers of children trafficked internally to resort areas around Lake Malawi for exploitation in the sex tourism industry.[2911] Child prostitutes are reported to be found outside nightclubs and hotels in urban areas.[2912] The HIV/AIDS pandemic has increased the incidence of sexual exploitation of minors, who are perceived by their exploiters to be healthier.[2913]

Primary education is free and guaranteed by the Constitution for at least 5 years, although it is not compulsory.[2914] In 2002, the gross primary enrollment rate was 140 percent.[2915] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 72.5 percent of children ages 5 to 14 years were attending school.[2916] As of 2001, 44 percent of children who started primary school were likely to reach grade 5.[2917] Educational costs such as stationery and school clothes, opportunity costs of sending a child to school, family illnesses, and lack of interest in education are lowering school

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[2908] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5. See also U.S. Embassy- Lilongwe official, email communication to USDOL official, May 20, 2005.
[2909] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[2910] U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*, U.S. Department of State, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also U.S. Embassy- Lilongwe, *reporting,* March 10, 2004.
[2911] U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*. See also ECPAT International, *Malawi,* in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=103&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.
[2912] ECPAT International, *Malawi*.
[2913] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5. Within a sample of 549 children involved in commercial sexual exploitation 14.9 percent were under the age of 14 years. See Government of Malawi and ILO-IPEC, *Malawi Child Labour 2002 Report*, Lilongwe, February 2004, 87.
[2914] Families are responsible for purchasing books and uniforms, though some very poor families could access a public book fund. See The Republic of Malawi, *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 25-1, 2; available from http://www.sdnp.org.mw/constitut/intro.html. See also U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.
[2915] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definitions of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[2916] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[2917] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

attendance. HIV/AIDS is exacerbating dropout rates, particularly for girls who are expected to take on increased domestic roles following the death of a parent.[2918] The sexual abuse of female students by teachers and older male students has also had a negative impact on girls' attendance.[2919] Insufficient finances, lack of teachers and teaching materials, poor sanitation, poor teaching methods, and inadequate classrooms have contributed to the inconsistent quality of education.[2920]

Child Labor Law and Enforcement

The Employment Act of 2000 sets the minimum age of employment at 14 years. Exceptions are made for work done under certain conditions in vocational technical schools, other training institutions, and in homes.[2921] The Act prohibits children between the ages of 14 and 18 from performing hazardous work or work that interferes with their attendance at school or any vocational or training program.[2922] The Constitution of Malawi protects children under 16 against economic exploitation as well as any treatment, work, or punishment that is hazardous, interferes with their education, or is harmful to their health or physical, mental, or spiritual and social development.[2923] The government published a national code of conduct regarding child labor. The code will be disseminated to all farmers found guilty of violating the code.[2924] Employers are required to keep a register of all employees under the age of 18 years. Violation of the law can result in a fine of Malawi Kwacha (MK) 20,000 (USD 168.74) and 5 years of imprisonment.[2925]

The worst forms of child labor may be prosecuted under different statutes in Malawi. Both the Constitution and the Employment Act prohibit forced and compulsory labor. Violators are liable for penalties of MK 10,000 (USD 84.37) and 2 years of imprisonment under the Employment Act.[2926] Trafficking in persons is not specifically prohibited by law, but the Penal Code contains several provisions that may be used to prosecute human

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[2918] Samer Al-Samarrai and Hassan Zaman, *The Changing Distribution of Public Education Expenditure in Malawi, Africa Region Working Paper Series No. 29*, World Bank, Washington D.C., 2002, 5; available from http://www.worldbank.org/afr/wps/wp29.htm. See also Esme Kadzamira and Pauline Rose, *Educational Policy Choice and Policy Practice in Malawi: Dilemmas and Disjunctures*, IDS Working Paper 124, Institute of Development Studies, 2001, 10, 16; available from http://www.ids.ac.uk/ids/bookshop/wp/wp124.pdf.

[2919] Integrated Regional Information Networks, "SOUTHERN AFRICA: Sexual abuse of schoolgirls largely unpunished", IRINnews.org, [online], February 6, 2004 [cited June 30, 2005]; available from http://www.irinnews.org/print.asp?ReportID=39353.

[2920] Samer Al-Samarrai and Hassan Zaman, *The Changing Distribution of Public Education Expenditure in Malawi*, 5.

[2921] The Republic of Malawi, *Employment Act of 2000*, (2000), Part IV-Employment of Young Persons, 21;available from http://www.sdnp.org.mw/~esaias/ettah/employment-act/.

[2922] Ibid., Part IV-Employment of Young Persons, 22.

[2923] *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 23.

[2924] See U.S. Department of State, *Country Reports- 2004: Malawi*, Section 6d. See also U.S. Embassy-Lilongwe, *reporting*, August 23, 2005.

[2925] *Employment Act*, Part IV-Employment of Young Persons, 23-24. For currency conversion see FX Converter, [online] [cited December 16, 2005]; available from http://www.oanda.com/convert/classic.

[2926] *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 27. See also *Employment Act*, Part II-Fundamental Principles, 4. (1)-(2). For currency conversion see FX Converter.

traffickers.[2927] Specifically, it prohibits the procuring of any girl under the age of 21 years for the purpose of unlawful sexual relations, either in Malawi or elsewhere. Abduction, procuring of a person for prostitution or work in a brothel, and involuntary detention for sexual purposes are also prohibited by the Penal Code.[2928] The government has also strengthened legal protections for students who are subject to exploitation and inappropriate relationships at school.[2929] The minimum age for voluntary recruitment into the military is 18 years, although those younger may enlist with parental consent.[2930]

Beginning in November 2004, inspectors from the Ministry of Labor and Vocational Training (MOLVT) were given the authority to conduct investigations and press charges.[2931] According to the U.S. Department of State, enforcement of child labor laws by the police and labor inspectors is limited due to resource and capacity constraints, although there is some monitoring of rural child labor by MOLVT youth committees.[2932] Police and the Ministry of Gender, Child Welfare, and Community Services handle trafficking cases that are brought to the attention of the authorities.[2933] In August 2005, a Zambian trafficker was arrested and fined 24,000 Kwacha (USD 200) for attempting to smuggle 15 boys between 9 and 15 years across the border.[2934] In 2005, seven employers, mostly cattle farmers and tobacco growers, were prosecuted and convicted of employing children, paying fines between USD 60 and 100.[2935] Also in 2005, 14 children were rescued from situations of trafficking in persons and repatriated, in part due to the efforts of child protection workers in the rural areas.[2936]

The government implemented a Child Justice Act in 2004. The Act was developed in coordination with UNICEF, international donors, and NGOs, and is intended to provide access to the justice system for juveniles by establishing a court dedicated to children's

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[2927] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.
[2928] See Government of Malawi, *The Penal Code,* as cited in The Protection Project Legal Library, 140; available from http://209.190.246.239/protectionproject/statutesPDF/UgandaF.pdf. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.
[2929] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.
[2930] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=783.
[2931] As a result, two child trafficking cases resulted in convictions, and 13 children were removed from situations of forced labor on tea and tobacco estates. See U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.
[2932] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 6d.
[2933] Ibid., Section 5.
[2934] The verdict prompted criticism that the penalty was too lenient, alleging that legislation is aimed at protecting girls, not boys. See Integrated Regional Information Networks, "MALAWI: Outrage over lenient fine for trafficking boys", IRINnews.org, [online], August 24, 2005 [cited August 26, 2005]; available from http://www.irinnews.org/print.asp?ReportID=48740.
[2935] U.S. Embassy- Lilongwe, *reporting*, August 23, 2005.
[2936] Child protection workers are voluntary community members that receive a small honoraria as part of a UNICEF project. See Ibid.

issues.[2937] The child labor elimination unit within MOLVT is working with UNICEF to register violations of child labor laws and build capacity on child labor issues.[2938]

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

The Government of Malawi participated in a regional ILO-IPEC program funded by USDOL to withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa, including in Malawi's tobacco sector; the project ended in May 2005.[2939] Currently, the government is participating in a USD 2.1 million, USDOL-funded project to combat child labor in tobacco growing and domestic service.[2940] Also funded by USDOL, Winrock International is implementing a project to combat exploitative child labor through the provision of basic education.[2941]

The Government of Malawi, through its MOLVT, chairs a National Steering Committee on Child Labor,[2942] which has developed an action plan against child labor. The plan includes the drafting of a national policy against child labor and reviewing existing legislation, establishing child labor monitoring committees, and coordinating income generation activities.[2943] Through the plan, the government has published a code of conduct on child labor and trained 77 child labor youth activists to raise awareness in local communities.[2944] In 2005, the Ministry also conducted training courses for its 150 child labor inspectors and its community and district level labor committees.[2945] For the first time, in 2005/2006, the Government of Malawi earmarked USD 60,000 to support MOLVT child labor education activities and to purchase equipment for labor inspectors at the district level.[2946]

The Ministry of Gender, Child Welfare, and Community Services formulates policies on childcare and protection and relies on the Child Rights Unit and other partners to help

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[2937] U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.
[2938] CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999)*, Geneva, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/.
[2939] International Child Labor Program U.S. Department of Labor, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa, Project Summary*, 2000. See also ILO-IPEC, *Targeting the worst forms of child labour in commercial agriculture in Kenya, Malawi, Tanzania, Uganda, and Zambia, TPR*, technical progress report, Geneva, March 10, 2005, 1.
[2940] The 3-year project was funded in 2005. See ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, project document, Geneva, September 2005.
[2941] Winrock International, *Child Labor Reduction through Community-Based Education,* [online] 2005 [cited December 20, 2005]; available from http://www.winrock.org/where/display_country.cfm?ID=5544&CountryID=1280.
[2942] The Labor Commissioner chairs the committee. Membership includes government, donors, workers, employers, representatives and civil society organizations. See ILO-IPEC, *Baseline Survey Report*, 49.
[2943] CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999)*, Geneva, 2003; available from http://webfusion.ilo.org/public/db/standards/normes/appl/. See also ILO-IPEC, *Baseline Survey Report*, 50.
[2944] U.S. Embassy- Lilongwe, *reporting*, August 23, 2005.
[2945] Ibid.
[2946] Ibid.

carry out those policies.[2947] In 2005, with funding from the Nordic Agency for Development, the Ministry trained 240 child protection workers from all regions of the country to work with vulnerable children, including street children.[2948]

In 2004, the government established an inter-ministerial anti-trafficking committee.[2949] The government has also undertaken various measures to raise public awareness of trafficking issues, including workshops for teachers and traditional authorities, meetings for rural families with young children, and radio jingles.[2950] The Ministry of Gender, Child Welfare, and Community Services has launched a National Plan of Action for Orphans and Vulnerable Children that aims to improve access to essential services, including education, health, water, sanitation, and birth registration. The Plan includes provisions for trafficking victim protection, awareness raising, and prevention.[2951] As part of the plan, approximately 200 child protection officers were trained to identify trafficking victims, and 37 Victim Support Units were established in collaboration with UNICEF. The units are responsible for providing protective and support services to exploited children, including trafficking victims.[2952] The government also works to rehabilitate and reintegrate children in prostitution by providing them with education and vocational training.[2953] The government has also provided immigration officers and police with basic counter-trafficking training.[2954]

The government is implementing a long-term education strategy called Vision 2020 that focuses on improving access, quality and equity in primary, secondary and tertiary education; strengthening the science, technical, vocational and commercial components of school curriculum; improving special education; and improving the education management plan.[2955] In May 2005, the World Bank began financing a 5-year project to support Malawi's education sector. Among the project's components are improving the

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[2947] UN Committee on the Rights of the Child, *Summary record of the 765th meeting: Malawi*, Geneva, January 31, 2002, Paras. 20 and 54; available from http://www.unhchr.ch/TBS/doc.nsf/e121f32fbc58faafc1256a2a0027ba24/1e631bcfbb5f333ec1256b5a005a5c68?OpenDocument.

[2948] U.S. Embassy- Lilongwe, reporting, August 23, 2005.

[2949] The committee began developing a national anti-trafficking action plan, but efforts were stalled due to lack of data on human trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

[2950] Ibid.

[2951] Ibid. See also Integrated Regional Information Networks, "MALAWI: New child welfare plan gives stakeholders common platform", IRINnews.org, [online], June 21, 2005 [cited June 21, 2005]; available from http://www.irinnews.org/print.asp?ReportID=47747.

[2952] See U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*. See also U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.

[2953] U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

[2954] Ibid.

[2955] Ministry of Education and Human Resources, *Vision for Education,* [online] n.d. [cited June 30, 2005]; available from http://www.malawi.gov.mw/educ/educvis.htm. This education strategy is intended to update and improve the Education Policy and Investment Framework developed in 1995, which outlined education policy over a 10-year period in an attempt to accommodate free primary education and other reforms. See Ministry of Education and Human Resources, *Role of Education in National Development,* [online] n.d. [cited June 30, 2005]; available from http://www.malawi.gov.mw/educ/educrole.htm. See also Kadzamira and Rose, *Educational Policy Choice and Policy Practice in Malawi*, 8.

quality and capacity of teacher training, improving learning conditions at secondary schools, providing schools with basic learning materials, and strengthening community participation.[2956]

[2956] World Bank, *Education Sector Support Project 1,* in World Bank, [online] n.d. [cited December 16, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=355870&menuPK=355904&Projectid=P070823.

Mali

Selected Child Labor Measures Adopted by Governments		
Ratified ILO Convention 138	3/11/2002	
Ratified ILO Convention 182	7/14/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

Incidence and Nature of Child Labor

An estimated 21.4 percent of children ages 5 to 14 years were counted as working in Mali in 2001. Approximately 27.4 percent of all boys 5 to 14 were working compared to 15.6 percent of girls in the same age group.[2957] The majority of children work in rural areas in the agricultural and domestic help sectors, and in the informal sector as street vendors, shoe shiners, and firewood cutters.[2958] In some cases, children work as street beggars under a traditional Koranic educational system in which the children are forced into begging by their religious teachers as part of the learning process. Money received from begging on the streets is reportedly used to support the schools. It was also reported that children spent more time begging on the streets than they spent learning in classrooms.[2959]

Mali is a point of origin, as well as a transit and destination country, for trafficked children. Increased controls at the Cote d'Ivoire border altered trafficking routes and decreased trafficking in general to that country, while the flow of trafficked persons to other neighboring countries increased.[2960] Children were trafficked internally to the central regions to work in rice fields. Boys in particular were trafficked to work in mines in the southeastern part of the country. Girls were typically trafficked to work as domestic servants in Bamako. Children were also trafficked between Mali and neighboring countries such as Senegal, Burkina Faso, and Guinea. Women and girls were trafficked from Nigeria for sexual exploitation.[2961]

Primary education is compulsory up to age 12; however, students must pay for their own uniforms and school supplies to attend public schools.[2962] The Malian education system is marked by extremely low rates of enrollment, attendance, and completion, particularly

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[2957] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[2958] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Mali*, Washington, D.C., February 25, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41614.htm. See also CARE, *A Better Future for Mali's Children: Combating Child Trafficking through Education*, Project Document, Atlanta, October 1, 2003, 3.

[2959] U.S. Department of State, *Country Reports- 2004: Mali*, Section 5.

[2960] Ibid.

[2961] Ibid. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Mali*, Washington, D.C., June 14, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.

[2962] U.S. Department of State, *Country Reports- 2004: Mali*, Section 5.

among girls. In 2002, the gross primary enrollment rate was 58 percent and the net primary enrollment rate was 44 percent.[2963] Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 2001, 31.7 percent of children ages 5 to 14 years were attending school.[2964] As of 2001, 75 percent of children who started primary school were likely to reach grade five.[2965] The quality of formal education services in Mali is poor due to inadequate infrastructure, lack of trained teachers, pedagogic materials, and use of curriculum that has little relevance for students' lives.[2966]

Child Labor Laws and Enforcement

Article 187 of the Labor Code of 1992 sets the general minimum age for employment and apprenticeship at 14 years.[2967] Article D 189-35 allows for some exceptions, stating that children ages 12 to 14 may be employed with the express authorization of their parents or guardians if they work in the same establishment and at their side. However, they may not be employed for more than 4.5 hours per day (2 hours a day if they are in school).[2968] Children under 18 years are not allowed to engage in work that threatens their safety or morals, exceeds 8 hours per day, exceeds their physical capacity, or occurs at night.[2969] The Labor Code establishes penalties for violations of the minimum age law, which range from a fine of 20,000 to 200,000 F (USD 36 to 360).[2970]

The worst forms of child labor may be prosecuted under different statutes in Mali. The Labor Code prohibits forced or obligatory labor.[2971] In 2001 Mali's parliament approved a law making child trafficking punishable by 5 to 20 years of imprisonment.[2972] The government also requires that Malian children under 18 years of age carry travel

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[2963] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[2964] UCW analysis of ILO SIMPOC, UNICEF MICS, and and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.
[2965] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[2966] USAID, *USAID Mali Strategic Objectives: Basic Education,* [online] [cited June 20, 2005]; available from http://mali.viky.net/usaid/cgi-bin/index.pl.
[2967] Government of Mali, *Loi no 92-020 portant Code du Travail*, (September 23, 1992); available from http://www.ilo.org/dyn/natlex/docs/webtext/32274/64878/F92MLI01.htm.
[2968] Government of Mali, *Decret no. 96-178/P-RM portant Application de Diverses Dispositions de la Loi no 92-20 portant Code du Travail*, (June 13, 1996), Articles D.189-35 & D.189-36; available from http://www.ilo.org/dyn/natlex/docs/webtext/32274/64878/F92MLI01.htm.
[2969] Ibid., Articles D.189-14, D.189-15, and D.189-16.
[2970] *Code du Travail*, Article 326. For currency conversion see FXConverter, [online] [cited December 12, 2005]; available from http://www.oanda.com/convert/classic.
[2971] *Code du Travail*, Article 6.
[2972] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Mali*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41614.htm. See also Integrated Regional Information Network, *Mali: Ban on Child Trafficking and the Bartering of Women,* [online] 2001 [cited June 20, 2005]; available from http://www.irinnews.org/report.asp?ReportID=9073&SelectRegion=West_Africa&SelectCountry=MALI.

documents in an attempt to slow cross-border trafficking.[2973] However, a recent study published by Save the Children and UNICEF concluded that the legislation is largely ineffective and may result in increased vulnerability of children due to corruption.[2974] Article 183 of the Criminal Code establishes penalties for sexual exploitation and abuse.[2975] The minimum age for military conscription into the National Youth Service is 18, and military service is reported to be voluntary in practice.[2976]

Since 1999, the Government of the Republic of Mali has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[2977]

Inspectors from the Ministry of Labor and State Reforms conduct surprise and complaint-based inspections in the formal sector, but, according to the U.S. Department of State, lack of resources limit the frequency and effectiveness of the monitoring and enforcement of child labor laws.[2978] ILO-IPEC is responsible for investigating cases of abusive labor reported by NGOs or the media. ILO-IPEC depends on government monitors to carry out these investigations.[2979]

The government made significant progress in increasing public awareness and community involvement in the fight against trafficking. According to the U.S. Department of State, however, no reports confirm any action taken against those responsible for trafficking and no penalties for trafficking were imposed during the first half of 2005, the most recent date for which such information is available.[2980]

[2973] *Government of Mali, Determinant les Specifications Techniques du Titre de Voyage Tenant Lieu D'Autorisation de Sortie Pour Les Enfants Ages de Zero a Dix-Huit Ans*, (February 20). See also Integrated Regional Information Network, *Mali: Children to Carry Mandatory Travel Documents,* [online] August 10, 2001 [cited December 13, 2005]; available from http://www.irinnews.org/report.asp?ReportID=10452&SelectRegion=West_Africa&SelectCountry. See also U.S. Department of State, *Country Reports- 2004: Mali*, Section 5.

[2974] Sarah Castle and Aisse Diarra, *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage*, Save the Children, UNICEF, Bamako, 2004, Executive Summary.

[2975] UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1992: Mali*, CRC/C/3/Add.53, prepared by Republic of Mali, pursuant to Article 44 of the Convention on the Rights of the Child, September 1997, para. 172; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.53.En?OpenDocument.

[2976] Coalition to Stop the Use of Child Soldiers, *Global Report 2004--Country Report: Mali*, Coalition to Stop the Use of Child Soldiers, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=784.

[2977] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005. The State Department reports that some of the worst forms of child labor identified include traditional gold mining and agricultural sector occupations; in the informal sector, some of the worst forms of child labor identified include girls working as domestics, in restaurants, or as cooks and children used for money-laundering schemes. See U.S. Embassy- Bamako, *reporting*, August 19, 2003.

[2978] U.S. Department of State, *Country Reports- 2004: Mali*, Section 6d.

[2979] Ibid.

[2980] U.S. Department of State, *Trafficking in Persons Report- 2005: Mali*. See also U.S. Embassy-Bamako, *reporting*, May 26, 2005.

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

The government is one of ten countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[2981] The government is also participating in a USDOL-funded program to increase access to quality basic education to children at risk of trafficking in Mali.[2982]

Several Malian government ministries have collectively developed a program to identify and rehabilitate trafficking victims, raise public awareness about the problem, and strengthen the legal system as it applies to the trafficking of minors. The government signed new bilateral agreements with Senegal and Burkina Faso in 2004 to improve cross-border coordination, and facilitate repatriation efforts.[2983] As an element of this initiative, the government operates welcome centers in several cities to aid child trafficking victims to return to their families.[2984] In 2005, the Government of Mali was one of nine countries to sign a multilateral agreement to coordinate mechanisms for the prevention and protection of child trafficking and prosecution of traffickers.[2985]

The Government of Mali received a $45 million loan from the World Bank to support ongoing education sector improvements, including measures to improve the quality of schooling, increase access through the construction of new schools, and build the capacity of local government systems and personnel.[2986]

USAID Mali funded a radio-based soap opera in 2004-05 to combat child trafficking. The 144-episodes were broadcast over 118 FM radio stations throughout Mali, as well as 51 radio stations in Burkina Faso and 25 in Côte d'Ivoire. In Mali, a survey determined that 38 percent of the target audience in the coverage area listened regularly to the program.[2987]

Through a bilateral agreement with the Government of Mali signed in 2001, USAID is working with the Ministry of Education to improve the quality of learning by training

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[2981] ILO-IPEC, *Combating the Trafficking in Children for Labour Exploitation in West and Central Africa*, Geneva, September 1, 2004. The regional child trafficking project now covers 6 core countries: Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo, and 4 non-core countries: Guinea, Niger, Nigeria, and Senegal. The government of Mali will continue to participate in the project through June 2007.
[2982] U.S. Department of Labor International Child Labor Program, *A Better Future for Mali's Children: Combating Child Trafficking through Education, Project Document*, 2003.
[2983] U.S. Department of State, *Trafficking in Persons Report- 2005: Mali*.
[2984] Government agencies working on this issue include the Ministry for the Promotion of Women, Children and the Family, the Ministry of Labor and Civil Service, the Ministry of Foreign Affairs, and the Ministry of Territorial Administration. U.S. Department of State, *Country Reports- 2004: Mali*, Section 5.
[2985] ILO-IPEC, *Combating the Trafficking in Children for Labour Exploitation in West and Central Africa*, Geneva, September 1, 2005, 2.
[2986] The loan was issued in 2000. See World Bank, *Education Sector Expenditure Project*, [online] 2003 [cited May 12, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P040650.
[2987] U.S. Embassy – Bamako Official, email correspondence to USDOL Official, August 2, 2006.

teachers, improving the national curriculum, and increasing community and parent participation in schooling.[2988] UNICEF is supporting an education for life initiative to promote access to quality education and provide life skills to children, particularly girls, who have dropped out or are not enrolled.[2989]

[2988] USAID, *USAID's Education Programs in Africa, Country Summaries: Mali*, USAID, 2003; available from http://www.usaid.gov/locations/sub-saharan_africa/sectors/ed/afr_ed_profiles.pdf.
[2989] USAID, *At a Glance: Mali,* UNICEF, [online] 2005 [cited June 27, 2005]; available from http://www.unicef.org/infobycountry/mali.html.

Mauritania

Selected Child Labor Measures Adopted by Governments		
Ratified ILO Convention 138	12/3/2001	
Ratified ILO Convention 182	12/3/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Mauritania are unavailable.[2990] In rural areas, children traditionally work with families in activities such as farming, herding, and fishing as a means of survival.[2991] Children perform a wide range of urban informal activities, such as street work and domestic work. They also work as cashiers,[2992] dishwashers in restaurants, car washers, and apprentices in garages.[2993] Child labor is one of many problems associated with poverty. In 2000, 25.9 percent of the population in Mauritania were living on less that USD 1 a day.[2994]

The government indicated to the ILO Committee of Experts that excessive physical demands sometimes made on children negatively affect their health.[2995] In addition, some children living with *marabouts*, or Koranic teachers, are forced to beg, sometimes for over 12 hours a day.[2996] Mauritania is also a source and destination country for trafficking in children for forced labor purposes.[2997]

[2990] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. The ILO Committee of Experts on the Application of Conventions and Recommendations noted that there is no reliable statistical data on the employment of children and the nature and number of contraventions in Mauritania. See Committee of Experts on the Application of Conventions and Recommendations, *CEACR: Individual Observation concerning Convention No. 138, Minimum Age, 1973 Mauritania (ratification: 2001)*, ILO Conference, 93rd Session, Geneva, 2005; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[2991] UN Committee on the Rights of the Child, *Initial reports of states parties due in 1993*, CRC/C/8/Add.42, prepared by Government of Mauritania, pursuant to Article 44 of the Convention on the Rights of the Child, January 10, 2001, para. 327; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4ec6bda0d30ae362cl256a64002c7a85?0opendocument. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Mauritania*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41615.htm.

[2992] Nahah, Secretary General, Confederation General des Travailleurs de Mauritania, interview with USDOL official, August 14, 2002.

[2993] Ely Samake, UNICEF official, interview with USDOL official, August 15, 2002.

[2994] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[2995] Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation of the Committee of Experts*.

[2996] U.S. Department of State, *Trafficking in Persons Report- 2005: Mauritania*, Washington, D.C., June 14, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.

[2997] U.S. Department of State, *Country Reports- 2004: Mauritania*, Section 5.

Education is compulsory between the ages of 6 and 14.[2998] In 2002, the gross primary enrollment rate was 88 percent, and the net primary enrollment rate was 68 percent.[2999] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1996, 41.8 percent of children ages 7 to 14 years were attending school.[3000] As of 2001, 61 percent of children who started primary school were likely to reach grade 5.[3001] However, a lack of adequate school facilities and teachers, particularly in rural areas, is likely to impede the full realization of the government's goal of universal primary education in Mauritania until at least 2007.[3002]

Public school is free, but other costs such as books and lunches make education unaffordable for many poor children.[3003] Ongoing challenges to the provision of quality education in Mauritania include high dropout and repetition rates, inadequate curriculum,[3004] and a poor national infrastructure that prevents children from traveling to and from school.[3005] In 2002, a World Food Program (WFP) survey of out-of-school children in Mauritania found that 25 percent did not attend school due to the need to support their families or perform domestic work, and another 22 percent did not attend due to the distance to school.[3006]

Child Labor Laws and Enforcement

There are various statutes under which the worst forms of child labor can be prosecuted in Mauritania. The 2004 Labor Code sets the minimum age for employment at 14 years and defines what the government considers to be worst forms of child labor.[3007] The Labor Law also prohibits forced and compulsory labor[3008] and sets 18 years as the

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[2998] The legislation establishes monitoring procedures and fines for offenders. See Government of Mauritania, *Written Replies by the Government of Mauritania Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Initial Report of Mauritania*, CRC/C/Q/MAU/1, August 16, 2001, 9; available from http://www.unhchr.ch/html/menu2/6/crc/doc/replies/wr-mauritania-1.pdf.
[2999] World Bank, *World Development Indicators 2004*.
[3000] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[3001] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableView/tableView.asp?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3002] U.S. Department of State, *Country Reports- 2004: Mauritania*, Section 5.
[3003] Ely Samake, interview, August 15, 2002.
[3004] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Mauritania, CRC/C/15/Add.159*, UN, Geneva, November 6, 2001, [cited June 15, 2005], para. 45; available from http://www.unhchr.ch.
[3005] Ely Samake, interview, August 15, 2002.
[3006] World Food Program, *Country Programme- Mauritania (2003-2008)*, September 2, 2002, 8.
[3007] Worst forms of child labor are defined as all forms of slavery and child exploitation, activities that exceed the physical capacity of a child or can be considered degrading, work connected to trafficking in children, activities that require children to handle chemicals or dangerous materials, work on Fridays or holidays, and work outside of the country. Provisions establishing the minimum age for employment are found in Articles 153 and 154. See also: U.S. Embassy- Nouakchott, *reporting*, August 19, 2004.
[3008] Government of Mauritania, *Code du Travail, 1963*, Loi N. 63.023, (January 1963).

minimum age for work requiring excessive force or work that could harm the health, safety, or morals of children.[3009] The Criminal Code establishes strict penalties for engaging in prostitution or procuring prostitutes, ranging from fines to imprisonment for 2 to 5 years for cases involving minors.[3010] Cases involving trafficking of children are addressed under the Law against Human Trafficking.[3011] Penalties for violations of this law include 5 to 10 years of forced labor and a fine.[3012] In addition, the Criminal Code sets a penalty of 5 to 10 years' imprisonment for the use of fraud or violence to abduct minors.[3013] With parental consent, or failing that, permission from the Minister of Defense, children may enlist voluntarily in the military at age 16; however, in practice, the military does not recruit minors. The law also requires every citizen at age 17 to register for military service, though there has been no active military registration since 1978.[3014] Since 1999, the Government of Mauritania has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3015]

The Ministry of Labor and Employment is the primary agency responsible for enforcing child labor laws and regulations. The Ministry has an institutional mechanism in place to receive child labor complaints. However, according to the U.S. Department of State, the labor inspectorate lacks the capacity to investigate and address potential violations due to a lack of resources. There are eight labor inspectors assigned to cover the entire country, and they are reported to lack adequate vehicles, telephones, and other requisite equipment.[3016]

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

The Government of Mauritania has established an inter-ministerial working group on trafficking composed of high-level representatives from the Ministries of Justice, Foreign Affairs, Interior, Labor, and Communications. The Government of Mauritania provided additional victim services in 2004 and 2005. It opened six centers to provide food, shelter and limited medical care to indigent people, including *talibes,* indigent boys who

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[3009] Ibid., Livre Deuxième, Article 47.
[3010] *Criminal Code of Mauritania*; available from [hard copy on file].
[3011] U.S. Department of State, electronic communication to USDOL official, February 19, 2004. See also Government of Mauritania, *Public Comments to USDOL*, July 30, 2004.
[3012] Mauritania, *Public Comments*.
[3013] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Mauritania*, [cited June 15, 2005], para. 345. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritania*, Washington, D.C., June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.
[3014] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritania (ratification: 2001)*, [online] 2005 [cited August 21, 2006]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See U.S. Embassy-Nouakchott official, electronic communication to USDOL official, August 11, 2006. See Coalition to Stop the Use of Child Soldiers, *Mauritania,* Coalition to Stop the Use of Child Soldiers, [online] 2004 [cited October 3, 2005]; available from http://www.child-soldiers.org/document_get.php?id=785.
[3015] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3016] U.S. Embassy- Nouakchott, *reporting*.

often become beggars. In 2004, a government-sponsored NGO began offering resources to *marabouts* to focus on educating their charges.[3017]

The Government of Mauritania continues to implement its current educational plan, adopted in 1999, which is intended to run for 15 years. The plan aims to provide all children with 10 years of basic schooling (elementary plus the first secondary level), followed by training opportunities tailored to the requirements of the labor market.[3018] In 2004, the Government of Mauritania provided USD 20.2 million to match USD 16.1 million provided by donors under the Education for All Fast Track Initiative program. Efforts to promote access to quality education include the increased use of multi-grade classrooms, the provision of allowances for teachers in remote schools, and improvements in the teacher-to-student ratio.[3019] The World Bank is further assisting the government to achieve education sector goals through a USD 49.2 million education loan project aimed at increasing enrollment, particularly among girls and in low-performing regions, among other activities.[3020] The government is also receiving funds from the African Development Bank for a 5-year education sector improvement project, including the promotion of girls' and women's education and literacy, and increased government capacity for education planning and management.[3021]

WFP is implementing a school feeding program intended to increase school enrollment, particularly among girls.[3022] UNICEF is also supporting the government's education sector reforms, with a particular focus on adolescent girls' enrollment, improving parent

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[3017] U.S. Department of State, *Trafficking in Persons Report- 2005: Mauritania*.

[3018] New emphasis is being placed on pre-school education that prepares children for basic education and on creating incentives to encourage private investment to promote private education. The goals for elementary school education are to achieve universal access by 2005, raise the retention rate from 55 percent to 78 percent by 2010, eliminate gender and regional disparities, improve the quality and relevance of education, and lower the pupil-teacher ratio. See Association for the Development of Education in Africa (ADEA), *Mauritania: Debt Relief Will Facilitate Implementation of the Ambitious Ten-Year Program for Education, ADEA Newsletter, vol. 13, no. 2 (April-June 2001),* 2001 [cited June 15, 2005]; available from http://www.adeanet.org/newsletter/latest/06.html.

[3019] In June 2002, the Government of Mauritania became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative (FTI), which aims to provide all children with a primary school education by the year 2015. *Education for All (EFA) - Fast Track Initiative Progress Report*, International Monetary Fund and World Bank, March 26, 2004; available from [hard copy on file]. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[3020] Souleymane Sow, Senior Operations Manager, World Bank, interview with USDOL official, August 15, 2002. For a summary of other project components, see World Bank, *Education Sector Development Program,* [cited June 15, 2005]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=362340&menuPK=362372&Projectid=P071308.

[3021] The program received funding in 2000. See African Development Bank Group, *Project Information Sheet- Mauritania: Education Development Support Project,* [online] [cited May 20, 2004]; available from hard copy on file.

[3022] World Food Program, *World Hunger - Mauritania,* [online] 2005 [cited June 15, 2005]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=478. See also World Food Program, *Country Programme- Mauritania*, pg. 3.

and student associations, and assisting children who have never attended school or who have dropped out.[3023]

[3023] UNICEF, *At a Glance: Mauritania,* [online] 2005 [cited June 15, 2005]; available from http://www.unicef.org/infobycountry/mauritania.html.

Mauritius

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 7/30/1990	
Ratified Convention 182 6/8/2000	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Mauritius are unavailable.[3024] Children are usually found working in the informal sector including work with street traders and other small businesses, in restaurants and in agriculture.[3025] On the island of Rodrigues, children reportedly work as domestic servants in third-party homes, on farms and in shops.[3026] Child prostitution occurs in Mauritius.[3027] The country is a source country for children internally trafficked for commercial sexual exploitation.[3028]

The Education Act provides for compulsory schooling up to the age of 16. Education is free up to the tertiary level.[3029] The government also subsidizes school fees for 4-year old children to ensure that students begin primary school with at least one year of preschool education.[3030] In 2002, the gross primary enrollment rate was 104 percent and the net primary enrollment rate was 97 percent.[3031] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.

[3024] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indciators used in this report, please see the "Data Sources and Definitions" section of this report.

[3025] Embassy of Mauritius official, survey questionnaire response to USDOL official, September 2004.

[3026] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mauritius*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm.

[3027] Ibid.

[3028] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*, Washington, D.C., June 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm, (Mauritius).http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (Mauritius), ILO, *Individual Observation concerning Convention no. 29, Forced Labor,1930 Mauritius (ratification: 1969)*, ILO-Committee of Experts on the Application of Conventions and Recommendations, Geneva, 2002; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[3029] Ministry of Education website: www.gov.mu/portal/site/education and Embassy of Mauritius official, Child Labor Questionnaire response, September 2004.

[3030] UNESCO, *Education for All 2000 Assessments: Country Reports - Mauritius*, prepared by Ministry of Education and Human Resource Development, pursuant to UN General Assembly Resolution 52/84; available from http://www2.unesco.org/wef/countryreports/mauritius/contents.html.

[3031] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed October 2005).

Primary school attendance statistics are not available for Mauritius.[3032] As of 2001, 99 percent of children who started primary school were likely to reach grade five.[3033] In 2004, 63 percent of students who took part in the Certificate of Primary Education Exam passed.[3034]

Child Labor Laws and Enforcement

The Labor Act of 1975 sets the minimum age for employment at 15 years.[3035] Young persons between the ages of 15 and 18 are not allowed to work in activities that are harmful to health, dangerous, or otherwise unsuitable for a young person. The Occupational Safety, Health, and Welfare Act of 1988 prohibits young persons who have not been fully instructed and have not been adequately supervised from being required to operate dangerous machinery.[3036] The Protection of the Child (Miscellaneous Provisions) Act of 1998 prohibits the handling of explosives by minors.[3037] The Merchant Shipping Act makes provisions for the health and safety of children working aboard ships.[3038]

The worst forms of child labor may be prosecuted under different statutes in Mauritius. The Criminal Code contains provisions prohibiting child prostitution, the keeping of brothels where children are prostituted, the corruption of youth, and the sale, trafficking, and abduction of children.[3039] The Constitution prohibits forced labor and slavery and there is no system of military conscription.[3040] Since 1999, the Government of Mauritius has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3041]

The Ministry of Labor and Industrial Relations and Employment (MLIRE) enforces child labor laws.[3042] Child labor inspections are carried out in the course of routine labor inspection visits.[3043] Persons identified as employing children receive a verbal warning. Subsequently, surprise site visits are undertaken to ensure compliance. If recurrence is

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[3032] This statistic is not available from the data sources that are used in this report.
[3033] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3034] Central Statistical Office website: http://statsmauritius.gov.mu
[3035] Embassy of Mauritius official, Child Labor Questionnaire response, September 2004.
[3036] Dr. U. Jeetah Mauritius Embassy official, survey questionnaire response to USDOL official, September 2004.
[3037] *Protection of the Child (Miscellaneous Provisions) Act 1998*, (August 18, 2004); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.
[3038] R. Sukon Mauritius Embassy official, survey questionnaire response to USDOL official, August 12, 2004.
[3039] Ibid, ILO, *Individual Observation- Convention 29*.
[3040] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*, UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableView/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary).
[3041] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3042] U.S. Embassy- Port Louis, *unclassified telegram no. 658*, August 18, 2003.
[3043] ILO, *Individual Observation concerning Convention no. 138, Minimum Age,1973 Mauritius (ratification: 1990)*, ILO-Committee of Experts on the Application of Conventions and Recommendations, Geneva, 2004; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

discovered, written warnings are issued. As a last recourse, criminal action is initiated. Convicted offenders may be fined up to 2,000 rupees (USD 68) and subject to imprisonment for a term not exceeding one year.[3044] In 2003, the government established a Tourism Police Force to monitor for trafficking in tourist sites and identify victims of the sex tourism trade.[3045] The U.S. Department of State reports that Mauritius' anti-trafficking law enforcement efforts increased dramatically during 2005.[3046]

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

The Government of Mauritius has an Office of Ombudsperson for Children. The Ombudsperson promotes compliance with the UN Convention on the Rights of the Child and protects the rights of children, including the investigation of suspected cases of child labor.[3047] The National Children's Council, under the authority of the Ministry of Women, Family Welfare and Child Development (MWFWCD), coordinates efforts between governmental and non-governmental organizations to provide for the welfare and protection of children.[3048] The Child Development Unit, also under the MWFWCD, is responsible for advocating for the implementation of the Convention on the Rights of the Child, ensuring the enforcement of the Child Protection Act, and promoting child welfare legislation.[3049]

The government has a National Plan of Action on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation.[3050] In 2005, funding was granted to increase the manpower and mobility of the Minors Brigade (the police unit responsible for investigating cases of children in prostitution) from 5 to 25 officers and from 1 to 5 vehicles. In 2003, the Mauritius Family Planning Association, in collaboration with the MWFWCD, opened a "Drop-In Center" for child victims of sexual abuse and exploitation.[3051] The MWFWCD implements a Child Watch Network to coordinate NGOs and professionals working with children to detect cases of child abuse, including child prostitution.[3052] The Ministry has collaborated with the Mauritian Police Force to conduct training for NGOs on combating commercial sexual exploitation of children. The Ministry of Tourism seeks to discourage child prostitution in tourist destinations through workshops to facilitate information sharing. Government officials have spoken publicly on the topic of commercial sexual exploitation of children, and

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[3044] U.S. Embassy- Port Louis, *unclassified telegram no. 658*.
[3045] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.
[3046] U.S. Department of State, *Trafficking in Persons Report- 2005: Mauritius*, Washington, DC, 2005; available from http://www.state/gov/g/tip/rls/tiprpt/2005.
[3047] *Ombudsperson for Children Act*, (November 10, 2003); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.
[3048] *Protection of the Child (Miscellaneous Provisions) Act 1998*.
[3049] Ministry of Women, Family Welfare, and Child Development of Mauritius, *Children's Development Unit,* [online] [cited September 27, 2004]; available from http://women.gov.mu/child/sscdu.htm.
[3050] U.S. Department of State, *Trafficking in Persons Report- 2005: Mauritius*.
[3051] Ibid.
[3052] Ministry of Women, Family Welfare, and Child Development of Mauritius, *Childwatch,* [online] [cited September 27, 2004]; available from http://women.gov.mu/child/sschildwatch.htm.

according to the U.S. Department of State, have implemented outreach in schools and training for law enforcement and community leaders.[3053]

Through the Education Priority Zones program, the Ministry of Education has made efforts to improve the performance of low achieving schools in less developed areas.[3054] The government has also introduced a national Literacy Strategy to ensure that every child leaving primary school has achieved the appropriate level of literacy and numeracy.[3055] Various projects have been introduced to integrate out-of-school children into the school system.[3056] In addition, the Industrial and Vocational Training Board provides preparatory courses for primary school drop-outs between the ages of 12 to 14 years at pre-vocational Training Centers.[3057]

[3053] U.S. Department of State, *Trafficking in Persons Report- 2005: Mauritius*.
[3054] Ministry of Education and Scientific Research, *From Special Support Schools to 'Zones d'Education Prioritaires': A New Strategy Built on Partnerships*, June 2002; available from http://ncb.intnet.mu/education/newstat.htm, Mauritius Embassy official, Child Labor Questionnaire response, September 2004.
[3055] Ministry of Education and Scientific Research, *National Literacy and Numeracy Strategy*, February 2003; available from http://ncb.intnet.mu/education/natlit.htm.
[3056] ILO, *Individual Observation- Convention 29*.
[3057] Mauritius Embassy official, Child Labor Questionnaire response, September 2004.

Moldova

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 09/21/1999	
Ratified ILO Convention 182 06/14/2002	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	

Incidence and Nature of Child Labor

An estimated 30.1 percent of children ages 5 to 14 years were counted as working in Moldova in 2000. Approximately 31.2 percent of all boys 5 to 14 were working compared to 28.9 percent of girls in the same age group.[3058] According to national custom, it is common for children in rural areas to work on family farms or help with household chores.[3059] According to the Government of Moldova, the number of registered cases of the worst forms of child labor increased between 2001 and 2004, the most recent time period for which such information is available.[3060] Child labor is one of many problems associated with poverty. In 2001, 21.8 percent of the population in Moldova were living on less than USD 1 a day.[3061]

According to the IOM, Moldova is considered the primary country of origin in Europe for trafficking of women and children for prostitution throughout Southeastern Europe, the European Union, and the Middle East. Moldova is also a transit country with victims trafficked from the former Soviet Union.[3062] Estimates on the numbers of child trafficking victims remain limited. Of the Moldovan victims, including those from Transnistria, assisted by the IOM between 2000 and 2005, children accounted for seven percent of those trafficked for labor and sexual exploitation.[3063] The most common activities for which children were trafficked include begging and delinquency (selling drugs, stealing, or other criminal activity).[3064] A particularly vulnerable group is institutionalized orphans, who upon graduation from school at age 16 or 17 leave

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[3058] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3059] U.S. Department of State, *Country Reports on Human Rights Pracices- 2004: Moldova*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41697.htm

[3060] *First Periodical Report of the Government of the Republic of Moldova on the implementation of ILO Convention 182 ,September 2004*, as cited by United Nations, *Common Country Assessment*, United Nations, Chisinau, June 2005, 43; available from http://www.un.md/un_common/docs/2nd%20Draft_CCA_June16_2005_ver2FINAL.doc. The assessment did not specify the types of worst forms of child labor that have been registered.

[3061] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3062] Rebecca Surtees, *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, International Organization for Migration (IOM), Geneva, 2005, 337, 55; available from http://www.iom.int/DOCUMENTS/PUBLICATION/EN/Second_Annual_RCP_Report.pdf.

[3063] *Promo-Lex Association, 2005 Human Rights Report, Chisinau 2006.*

[3064] Surtees, 334, 80.

orphanages without the ability to sustain themselves or continue their education.[3065] According to information gathered by ILO-IPEC through a rapid assessment survey, boys and girls as young as 12 years old are trafficked, many of them recruited by people they know.[3066] A December 2003 UN report states that Moldovan children are also being trafficked to Russia for begging and to Ukraine for agricultural labor.[3067] The IOM also reports that an increasing number of families are trafficked to neighboring counties for the purpose of forced begging.[3068]

Education for children is compulsory through grade 9, beginning at age 6.[3069] While the Constitution guarantees free public education,[3070] families face significant additional expenses, including supplies, clothes, and transportation fees.[3071] In 2002, the gross primary enrollment rate was 86 percent and the net primary enrollment rate was 79 percent.[3072] Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance.

Child Labor Laws and Enforcement

Article 46 of the Labor Law sets the minimum age for employment at 16 years. In certain cases, children 15 years of age can work with parental or legal authorization, provided that the work will not interfere with the child's education or growth. Articles 96 and 100 state that children between the ages of 15 and 16 can only work a maximum of 24 hours a week, and no more than 5 hours a day. Children between the ages of 16 and 18 years can only work a maximum of 35 hours a week, and no more than 7 hours a

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[3065] U.S. Department of State, *Country Reports on Human Rights Pracices- 2004: Moldova*, Washington, DC, February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41697.htm

[3066] ILO-IPEC, *Rapid Assessment of Trafficking in Children*, 25-28, 54-56. See also ILO-IPEC, *Combating the Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, project document, Geneva, September 2003, 10.

[3067] Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe. 2003 Update on Situation and Responses to Trafficking in Human Beings in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Serbia and Montenegro including the UN Administered Province of Kosovo, the Former Yugoslav Republic of Macedonia, Moldova, and Romania.*, UNICEF, UNOHCR, OSCE-ODIHR, December 2003, 73, 84, 85; available from http://www.osce.org/documents/odihr/2003/12/1645_en.pdf. See also ILO-IPEC, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Moldova, 2003*, Chisinau, 2004, 1; available from http://www.ilo.org/public/english/standards/ipec/publ/download/cee_moldova_ra_2003.pdf. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*.

[3068] U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5. U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm#moldova.

[3069] Euroeducation.net, *The European Education Directory, Moldova*, December 14, 2005; available from http://www.euroeducation.net/prof/moldovco.htm.

[3070] *Constitution of the Republic of Moldova, 1994*, Article 35; available from http://www.e-democracy.md/en/legislation/constitution/.

[3071] U.S. Embassy- Chisinau, *reporting*, September 25, 2001. See also U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5.

[3072] UNESCO Institute for Statistics, *Gross and Net Enrollment Ratios, Primary; accessed December 2005*; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51.,

day.[3073] Children must pass a medical exam every year until they reach 18 to be eligible to work.[3074] Children under 18 years are prohibited from participating in hazardous work, including work at night clubs or work involving gambling or selling tobacco or alcohol. Legal remedies, civil fines and criminal penalties exist to enforce the provisions of the labor law, with prison terms of up to 3 years for repeat offenses.[3075] The government has approved a list of hazardous work forbidden to children, including underground work, metal work, energy and heat production, and well drilling.[3076] Since 1999, the Government of Moldova has submitted to the ILO the list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3077]

On September 7, 2005, the Ministry of Education issued a decree which authorized the use of children from village schools in agricultural labor at the request of local public authorities. The decree stipulated that children between the ages 11 and 14 could work for 2 weeks in support of the fall harvest, a direct violation of the Labor Code of the Republic of Moldova.[3078] In response to criticisms, the Ministry of Education promised to coordinate any future measures with the National Steering Committee for the Elimination of Child Labor and the ILO, but did not discard the possibility of a similar decree for 2006.[3079]

The worst forms of child labor may be prosecuted under different statutes in Moldova.[3080] The Constitution prohibits forced labor and the exploitation of minors.[3081] In an effort to combat the trafficking of children, the parliament passed Law No. 692 in September 2004 that amends legislation to better protect and monitor children crossing the borders of Moldova.[3082] The parliament ratified new legislation to address all aspects of trafficking comprehensively and the law entered into force on December 9, 2005.[3083] Article 206 of the Criminal Code provides for 10 years to life imprisonment for trafficking and the use

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[3073] See the Labor Law as cited in U.S. Embassy- Chisinau, *reporting*, August 26, 2005.
[3074] Article 152 of the Labor Law, as cited in Ibid.
[3075] Article 183 of the Labor Law, as cited in U.S. Embassy- Chisinau, *reporting*, October 16, 2002.
[3076] The definition of hazardous work addresses work that is harmful or dangerous, as well as jobs that can damage children's health or moral integrity. See Article 255 of the Labor Law as cited in Ibid. U.S. Embassy- Chisinau, *reporting,* August 26, 2005.
[3077] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3078] Labor Code, article 46.
[3079] U.S. Embassy- Chisinau, *email communication to USDOL official*, August 11, 2006.
[3080] U.S. Embassy- Chisinau, *reporting,* August 26, 2005.
[3081] *Constitution of the Republic of Moldova*, Articles 44 and 50.
[3082] ILO-IPEC, *Combating Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, technical progress report, Bucharest, March 2005, 3. Now children can exit Moldova only when accompanied by a legal guardian, a person authorized by a guardian with notarized documentation, or with permission by child welfare authorities. Children above the age of 10 year are required to have a passport, where before they were only required a birth certificate to travel. U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5. See also Surtees, *Second Annual Report on Victims of Trafficking*, 357.
[3083] U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*. See also ILO-IPEC, *Child Trafficking Project, progress report March 2006*, 3. The law was reviewed by the Council of Europe and includes special provisions against trafficking in children. A referral mechanism for services will be established based on this law. See ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 2.

of children in the worst forms of child labor, as defined by Convention 182.[3084] The Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.[3085]

Decision No. 1059 issued in September 2004 hands over all juvenile justice functions and responsibilities to the Ministry of Justice, which is responsible for addressing juvenile delinquency and the social reintegration of children who have been used for criminal activities and are at risk of trafficking.[3086] The minimum age for compulsory military services is 18 years. The minimum age for voluntary military services for officer trainees is 17 years, though participation in active combat is not permitted until 18 years.[3087]

The Labor Inspection Office is responsible for enforcing all labor laws, including those pertaining to child labor. While child labor violations are known to occur, there were no formally reported or uncovered cases during 2005.[3088] On June 2, 2005, the Parliament adopted several amendments to the Law on Labor Inspection, now permitting inspection of both legal workplaces and "physical persons." The changes are aimed at greater inspection of work in the informal sector, as the amendments cover persons involved in work in non-fixed locations, such as street sales. The inspectors will also be allowed to seek assistance from local public administrators to withdraw licenses of employers who repeatedly neglect labor inspection recommendations.[3089]

Law No. 1458 on the State Protection of the Victims, of Witness and Other Persons Who Provide Assistance in the Criminal Proceedings was adopted in 1998 and amended in 2001 to stipulate police protection for the victims/witnesses in trafficking cases. Due to financial constraints, the U.S. Department of State and others report that the law has not been implemented and very few witnesses have received protection.[3090] In 2004, the latest date for which such information is available, the government withdrew the licenses of some employment and tourism agencies that were suspected to be involved in trafficking in persons.[3091]

[3084] As reported in U.S. Embassy- Chisinau, *reporting,* August 26, 2005. See also U.S. Department of State, *Country Reports- 2004: Moldova*, Section 6d.
[3085] U.S. Embassy- Chisinau, *reporting,* August 26, 2005.
[3086] ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 3.
[3087] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004,* [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document_get.php?id=917.
[3088] In April 2005, the government was restructured and labor issues were split between a newly formed Ministry of Health and Social Protection and the Ministry of Economy and Trade. The Labor Inspection Office was moved under the Ministry of Economy and Trade. U.S. Embassy- Chisinau, *reporting,* August 26, 2005.
[3089] The Code of Administrative Offenses was also amended to allow labor inspectors to apply administrative sanctions for non-criminal violations without referring the case to a court. Suspected criminal offenses are submitted to a prosecutor's office for investigation. U.S. Embassy- Chisinau, *reporting,* August 26, 2005.
[3090] U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*. See also Limanowska, *Trafficking in Human Beings, 2003*, 79.
[3091] U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*.

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

The National Strategy of Labor Force Employment (2002-2008) aims to end discrimination against youth of legal working age in the labor market, considered an important anti-trafficking strategy.[3092] The National Human Rights Action Plan (2004-2008) was also revised to include measures to address trafficking in persons.[3093] In June 2005, the Parliament amended the Law on Employment and Social Protection to allow vulnerable youth from 16 to 18 years of age (including those living in residential institutions, orphans, children from single parent families, and victims of trafficking) to receive benefits from the Unemployment Fund.[3094]

The National Committee for Combating Trafficking in Persons created an interdepartmental working group, including NGO representation, to develop a second national action plan for the prevention and combating trafficking in persons (2005-2006) that was approved by the Government of Moldova in August 2005.[3095] A working group to address the trafficking of children was formed and tasked to contribute to the development of this plan.[3096] The government also participates in the Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings, which fosters regional cooperation and offers assistance to governments to combat trafficking.[3097] In partnership with OSCE and the Council of Europe, the Ministry of Internal Affairs and the Ministry of Economy and Trade conducted a special training for trafficking investigators.[3098] The Ministry of Economy and Trade has partnered on a small scale with international and local NGOs to provide employment assistance to victims of trafficking and to address the root causes that increase at-risk populations' vulnerability of being trafficked.[3099] The Government of Moldova is participating in a USDOL-funded

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[3092] ILO-IPEC, *Moldova Country Strategy, Child Trafficking Project*, 7.
[3093] ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 2.
[3094] U.S. Embassy- Chisinau, *reporting,* August 26, 2005.
[3095] Ibid. See also ILO-IPEC, *Child Trafficking Project, progress report March 2006*, 3
[3096] This working group is chaired by the Ministry of Health, co-chaired by UNICEF Moldova. Save the Children Moldova serves and deputy chair. Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo*, UNICEF, UNOHCR, OSCE-ODIHR, March 2005, 141; available from http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf. See also U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5.
[3097] The Task Force has assisted a number of countries, including Moldova, in developing national action plans as well supports projects on prevention of trafficking, protection of victims and prosecution of traffickers. See Organization for Security and Cooperation in Europe, *Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings,* [online] [cited May 11, 2004], [hard copy on file].
[3098] OSCE, *Training Police to Combat Human Trafficking in Moldova,* [online] May 30 2005 [cited June 29, 2005]; available from http://www.osce.org/item/14059.html. See also Limanowska, *Trafficking in Human Beings, 2003*, 76. See also Centre for the Prevention of Trafficking in Women, *Trafficking in Children for Sexual Exploitation in the Republic of Moldova*, Chisinau, 2003, 25; available from http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/East-West_Research-2004/Moldova_ENG.pdf.
[3099] In August 2004, USAID funded a four-year, USD 4 million Moldova Anti-Trafficking Initiative titled New Perspectives for Women that focuses on prevention of trafficking that improving the economic

ILO-IPEC regional project to combat the trafficking of children for labor and sexual exploitation. The project is working in partnership with local organizations.[3100]

Local committees established in each region by the National Committee for Combating Trafficking in Persons conducted trafficking awareness-raising activities in schools.[3101] Despite government efforts, the government relies on local NGOs and international organizations to fund and provide social services to victims of trafficking.[3102] Various U.S. Government donor agencies have supported establishing a network of transition centers for victims returned to Moldova who were trafficked and for those vulnerable to trafficking. The centers link victims to legitimate employment opportunities and strengthen law enforcement efforts.[3103]

In November 2004, the World Bank and the International Monetary Fund (IMF) announced their support to implement the *Economic Growth and Poverty Reduction Strategy Paper (EGPRSP)*, which contains direct references to trafficking in persons.[3104] In an effort to provide youth in Moldova with developmental opportunities, the government's State Department for Youth and Sports has begun implementation of the National Youth Strategy that includes the establishment of 9 community centers for youth; non-formal education sessions that reach more than 14,0000 young people; and financial support to 25 youth NGOs. A draft of the UN Country Common Assessment that will serve as a basis for the development of the UN's development framework for the next 3 years (2005-2008) has integrated child labor issues, including the trafficking of children.[3105]

The National Strategy on Education for All (2004-2008) aims to provide access to high quality early education and basic education to all children, with particular attention provided to vulnerable families.[3106] The government provides allowances to families with many children, and provides school supplies to primary school children from low-income families. Assistance for school supplies is provided by local authorities and ranges from approximately 100 to 330 lei (USD 7- 22).[3107]

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situation of persons at-risk, particularly rural populations and youth, as well as providing legal consultations, health and psychological service and job skills training to victims of trafficking. USAID, *USAID/Moldova Social Transition Program Data Sheet,* [online] 2005 [cited June 30, 2005]; available from http://www.usaid.gov/policy/budget/cbj2006/ee/pdf/md_117-0340.pdf.

[3100] The 3-year project began in September 2003 and in addition to Moldova, ILO-IPEC is implementing activities in Albania, Romania and Ukraine. See ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document*. The ILO-IPEC project has established community-based youth centers and is working with employers' and workers' organizations to promote employment of at-risk youth and parents, and to improve care for child victims of trafficking. See U.S. Department of State, *Country Reports- 2004: Moldova*, Section 6d.

[3101] U.S. Department of State, *Trafficking in Persons Report- 2005: Moldova*.

[3102] Ibid.

[3103] U.S. Embassy- Chisinau, *reporting,* August 26, 2005.

[3104] ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 2.

[3105] Ibid.

[3106] U.S. Embassy- Chisinau, *reporting,* August 26, 2005.

[3107] U.S. Department of State, *Country Reports- 2004: Moldova*, Section 5.

Mongolia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	12/16/2002	
Ratified Convention 182	2/26/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 21.3 percent of children ages 5 to 14 years were counted as working in Mongolia in 2000. Approximately 22.4 percent of all boys 5 to 14 were working compared to 20.3 percent of girls in the same age group.[3108] In this traditionally nomadic society, children are normally found working in the livestock sector. Boys typically tend livestock, while girls mostly perform domestic tasks such as processing milk into dairy products, preparing food, cleaning and washing, gathering dung for fires, and collecting fruit and nuts.[3109] In rural areas, children also work in informal coal, gold,[3110] and fluorspar mines.[3111] Particularly in gold mining, children face severe health hazards including direct contact with mercury.[3112] In mining communities, very young children can be found preparing, selling, and delivering food to miners; washing clothes; working in bars and restaurants; fetching firewood; and cleaning. Children working in these areas are also vulnerable to abuse and exploitation in prostitution.[3113] Children as young as 7

[3108] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[3109] ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, Geneva, April 9, 2002, 16, 18. See also ILO-IPEC, *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it*, Geneva, 2004, 22; available from http://www.ilo.org/public/english/standards/ipec/publ/download/cdl_2004_helpinghands_en.pdf.

[3110] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 23, 25-26.

[3111] International Confederation of Free Trade Unions, *Internationally Recognised Core Labour Standards in Mongolia*, Geneva, March 15 and 17, 2005, 5; available from http://www.icftu.org/www/pdf/clsmongolia2005.pdf. Mongolia produces approximately 15 percent of the world's supply of fluorspar, a mineral used in the manufacture of aluminum, gasoline and other products. See Permanent Mission of Mongolia to the United Nations, *Business opportunities in Mongolia,* United Nations, [online] n.d.[cited September 28, 2005]; available from http://www.un.int/mongolia/businfo2.htm.

[3112] International Confederation of Free Trade Unions, *Core Labour Standards in Mongolia*, 5. See also National University of Mongolia, *Assessment of the Child Labour Situation in Gold Mining*, Ulaanbaatar, 2002, 22-24. Reports indicate that children in mining communities exhibit signs of chronic mercury poisoning, which include tremors, memory loss, impaired coordination, and other nervous system disorders. See United Nations Environment Programme, *Power Stations Threaten People and Wildlife with Mercury Poisoning*, press release, February 3, Nairobi, 2003; available from http://www.grida.no/newsroom.cfm?pressReleaseItemID=333#.

[3113] ILO-IPEC, *Eliminating Child Labour in Mining and Quarrying Background Document*, Geneva, June 12, 2005, 8, 9; available from http://www.ilo.org/public/english/bureau/inf/download/child/background.pdf.

years work as jockeys in the traditional sport of horse racing.[3114] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 27 percent of the population in Mongolia were living on less than USD 1 a day.[3115]

In urban areas, children sell goods, scavenge for coal and other saleable materials, and work in factories,[3116] and there are recent reports of children working in brick-making; cutting and handling of lumber; and other construction activities.[3117] There are increasing numbers of street children in cities who are at risk of entering into hazardous work or commercial sexual exploitation.[3118] Although comprehensive information about trafficking in Mongolia is not available, there is evidence that Mongolian teenagers may be trafficked to Asian and Eastern European countries for commercial sexual exploitation, and that children are trafficked internally for this purpose.[3119] The U.S. Department of State also reports that forced child labor exists in Mongolia.[3120]

The Mongolian Constitution provides for free basic education,[3121] and the revised Law on Primary and Secondary Education of May 2002 increased the length of compulsory basic education from 10 years to 11 years.[3122] In 2002, the gross primary enrollment rate was 101 percent and the net primary enrollment rate was 79 percent.[3123] Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 2000, 59

[3114] In 2005, the UN Committee on the Rights of the Child expressed disapproval that Mongolia has not yet raised the age limit for participation in this sport. See NGO Group for the Convention on the Rights of the Child, *CRC 39: Mongolia reporting to the Committee on the Rights of the Child (26 May 2005)*, May 26, 2005; available from http://www.crin.org/resources/infodetail.asp?ID=5633#top.
[3115] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[3116] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Mongolia*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41652.htm.
[3117] USDOL official, trip report, May 30-June 10, 2005.
[3118] ECPAT International CSEC Database, *Mongolia; accessed June 28, 2005*; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also World Vision, *World Vision in Mongolia,* [online] [cited July 8, 2005]; available from http://www.wvasiapacific.org/country.asp?id=1. Some reports estimate the number of street children at 2,000, or as high as 3,000. See Mark Litke, "Woman Fights for Mongolia's Street Children", ABC News online, [online], November 27, 2005 [cited November 29, 2005]; available from http://abcnews.go.com/WNT/print?id=1350000. See also U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5.
[3119] U.S. Department of State, *Trafficking in Persons Report- 2005: Mongolia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5.
[3120] U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 6d.
[3121] *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html.
[3122] Mijid Baasanjav, Begzjav Munkhbaatar and Udval Lkhamsuren, "The Changing Structure of Higher Education in Mongolia," *World Education News and Reviews* 16 no. 4 (July/August, 2003); available from http://www.wes.org/ewenr/03july/Feature.htm.
[3123] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.asp?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

percent of children ages 5 to 14 years were attending school.[3124] The government has shown considerable political will toward educating girls, and Mongolia outranks most countries of comparable GDP in girls' enrollment in school.[3125] However, girls' comparatively high enrollment statistics could also be attributed to the fact that boys leave school early to assist their families with agricultural work.[3126]

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years, but children aged 14 and 15 may work under certain conditions with the permission of a parent or guardian. Children aged 14 may also work in vocational education programs with the consent of a parent or guardian. Children ages 14 and 15 may not work more than 30 hours, and children ages 16 and 17 may not work more than 36 hours per week. Children under 18 may not work at night or in arduous occupations. The law sets the penalty for violation of child labor laws at between 15,000 and 30,000 Tugriks (USD 13 to 27). The law prohibits workers under 18 from working overtime, on holidays or on weekly rest days.[3127]

The worst forms of child labor may be prosecuted under different statutes in Mongolia. The Constitution of Mongolia prohibits forced labor.[3128] The Criminal Code of 2002 prohibits forced child labor and trafficking in persons, but the government has acknowledged that the trafficking provisions of the Code could be strengthened.[3129] Trafficking of children is punishable by a prison term of 10 to 15 years and a fine, and violations of forced child labor provisions are punishable with up to 4 years of imprisonment or a fine.[3130] The Criminal Code also prohibits prostitution of individuals under the age of 16, and penalties apply to those who procure and solicit underage prostitutes and those who facilitate underage prostitution. Penalties range from fines to imprisonment of up to 5 years. The production and dissemination of pornographic materials is also illegal under the Criminal Code, with imprisonment of up to 2 years, correctional work for a maximum of 1.5 years, or a fine.[3131] The Law on the Protection of the Rights of the Child, as amended in 2003, contains provisions prohibiting the use of

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[3124] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[3125] Save the Children, *State of the World's Mothers Report 2005: The Power and Promise of Girls' Education*, Westport, CT, May, 2005, 5, 10; available from http://www.savethechildren.org/mothers/report_2005/images/SOWM_2005.pdf.
[3126] U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 6d.
[3127] *Labor Law of Mongolia (as Amended)*, Articles 26, 85, 86; available from http://www.indiana.edu/~mongsoc/mong/laborlaw.htm. For currency conversion, see FXConverter, [cited July 8, 2005]; available from http://www.oanda.com/convert/classic.
[3128] *Constitution of Mongolia, 1992*, Article 16(4).
[3129] *Criminal Code of Mongolia*, (2002), Articles 113, 121. The Ministry of Justice and Home Affairs and the National Human Rights Commission have formed a task force to propose revisions to these provisions, but little progress has been made to date. See U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.
[3130] *Criminal Code of Mongolia*, Article 113. See also Center for Human Rights and Development, *Combating human trafficking in Mongolia: issues and opportunities*, Ulaanbaatar, 2003-2004, 41-42; available from http://www.asiafoundation.org/pdf/Mongolia-trafficking.pdf.
[3131] *Criminal Code of Mongolia*, Articles 122-123.

children in forced labor, illicit activities, begging, slavery, and other employment dangerous to their health, morality, or life.[3132] The minimum age for conscription into the Mongolian military is 18.[3133] Since 1999, the Government of Mongolia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3134]

The Ministry of Labor and Social Welfare's (MOSWL) Department of Employment and Social Welfare Services (ESWS) and the National Department for Children (NDC) (under the Office of the Deputy Prime Minister) share responsibility for child labor issues. The MOSWL has jurisdiction over the Labor Code, while the NDC oversees and coordinates the National Plan of Action for the Protection and Development of Children (2002-2010).[3135] The Plan includes provisions to combat the worst forms of child labor; improve working conditions and wages for adolescents; and provide access to education and health services.[3136]

The Labor Inspection division of the State Specialized Inspection Agency enforces child labor laws through its network of labor inspectors in regional and local offices. However, the U.S. Department of State characterizes enforcement as limited, in part due to resource constraints in the labor inspectorate. The MOSWL is the lead government agency on trafficking issues,[3137] but trafficking-related laws are enforced by the Ministry of Justice and Home Affairs (MOJ). The U.S. Department of State considers current law enforcement efforts against trafficking only modest; by and large the government is not complicit in any trafficking crimes, but there have been reports of a few law enforcement officers' collusion with traffickers.[3138]

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

In January 2005, the MOSWL began to implement a new Child Benefit Program, which provides a stipend of 3,000 (USD 2.5) Tugriks per child to low-income families with 3 or more children, provided that the children have all required vaccinations, attend school or

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[3132] *Law on the Protection of the Rights of the Child*, as cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia Phase II, Status Report*, status report, Geneva, June 16, 2003, Annex II, 3. See also ILO-IPEC, *Support to the Proposed National Sub-Programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, project document, Geneva, September 9, 2005, 7.
[3133] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=859.
[3134] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3135] USDOL official, trip report, May 30-June 10, 2005.
[3136] Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 9-10, 15-16; available from http://mirror.undp.org/mongolia/publications/UNICEFNPAEng.pdf.
[3137] U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.
[3138] U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5, 6d. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Mongolia*. See also U.S. Embassy- Ulaanbaatar, *reporting*, March 9, 2005.

a non-formal education program, and do not participate in the worst forms of child labor.[3139] By June, the program had benefited 380,000 children with over USD 11 million in assistance, and in mid-year the program was expanded to cover children through age 18.[3140] The National Department for Children has developed and disseminated a handbook on child labor for government workers, and has worked to integrate child labor into the curriculum for social workers.[3141] Health authorities work with World Vision, the Mongolian Red Cross, and other NGOs to procure registration documents for street children, often a necessary step in order to enroll in school and access various medical and social services.[3142]

The governors' offices of several local administrative districts have approved and implemented Child Labor Action Plans, which include such measures as medical exams for working children, income generation opportunities for families of working children, and child labor monitoring activities.[3143] In April 2005, the government approved a National Program for Improving Occupational Safety and Health, and began to provide safety and health training to workers in the informal sector, where the majority of working children are found.[3144]

In 2005, the Government of Mongolia participated in two ILO-IPEC projects funded by USDOL. The 6-year, USD 1.5 million Mongolia Country Program, which ended in 2005, carried out awareness-raising on child labor, direct services to working children, capacity building of NGOs and government agencies, and research on child labor.[3145] In 2005, Mongolia began a 4-year, USD 2.9 million Time-Bound Program that aims to withdraw or prevent children from the worst forms of child labor and to combat the problem through policy and legislative reform, research, and institutional capacity building.[3146]

The Government of Mongolia is party to a Code of Conduct for the protection of children from sexual exploitation in the travel and tourism industries, in partnership with the Mongolian Tourism Association, ECPAT International, and UNICEF.[3147] The Police

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[3139] *Law of Mongolia Concerning Amendments to the Social Assistance Law*, State Gazette No. 2 (383), (January 1, 2005).
[3140] ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, technical progress report, September 2005.
[3141] USDOL official, trip report, May 30-June 10, 2005. See also ILO-IPEC, *National Program Phase II, technical progress report, September 2005*, 8, 26.
[3142] World Vision, *World Vision in Mongolia*. See also USDOL official, trip report, May 30-June 10, 2005.
[3143] ILO-IPEC official, *Local Action Plans - Section on Child Labor, working English translation of Mongolian administrative district action plans*, June, 2005.
[3144] ILO-IPEC, *National Program Phase II, technical progress report, September 2005*, 3.
[3145] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 6.
[3146] This project aims to directly support Mongolia's National Sub-Program to Combat the Worst Forms of Child Labor, which was drafted by the MOSWL in consultation with relevant government ministries and social partners. The National Sub-Program, still in draft form, was designed for implementation under the framework of the National Plan of Action for the Development and Protection of Children (2002-2010). ILO-IPEC, *Mongolia Time-Bound Programme, project document*, Cover, vi, 41-42.
[3147] U.S. Department of State, *Trafficking in Persons Report- 2005: Mongolia*. See also U.N. Committee on the Rights of the Child, *Written Replies by the Government of Mongolia Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic*

Department's Crime Prevention Division has received training from ILO-IPEC in recognizing trafficking, and police officers work together with representatives from a local NGO, the Mongolian Youth Development Federation, to remove girls from prostitution and enroll them in rehabilitative programs.[3148]

The National Program of Action for the Development and Protection of Children (2002-2010) aims to increase the number of children attending pre-school, primary school, and basic education.[3149] However, an acute shortage of teachers and school materials persists as a serious problem throughout the school system.[3150] The government operates a system to train teachers in non-formal education techniques, materials, and curricula.[3151] Local administrative governments provide non-formal education programs,[3152] and children who enroll in non-formal education are entitled to take the formal school exams in order to receive primary or secondary school certifications.[3153] The government also provides primary-level vocational courses, including lodging, and short-term skills training courses which do not require completion of compulsory schooling.[3154] The government qualified for funding from the U.S. Millennium Challenge Account and, in October 2005, submitted a proposal for development funding including USD 21.4 million for vocational training programs targeting poor youth that make up the majority of the unemployed in Mongolia.[3155]

The ADB is supporting the Second Education Development Project, a USD 14 million loan continuing through 2007, which supports the Ministry of Science, Technology, Education and Culture (MOSTEC) in rehabilitating and constructing schools; modernizing science education; and improving education management at provincial, district and school levels.[3156] The ADB has also committed to continue with a Third Education Development Project, a USD 13 million loan from 2007-2011 that will work with MOSTEC to improve quality and relevance of education in primary and secondary

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Report of Mongolia, May 6, 2005, 28-29; available from http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.RESP.87.pdf.

[3148] USDOL official, trip report, May 30-June 10, 2005.

[3149] Government of Mongolia, *National Programme of Action*, 15-16, objectives 8, 9.

[3150] U.S. Department of State, *Country Reports- 2004: Mongolia*, Section 5.

[3151] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11-12. The non-formal education system functions with the assistance of UNICEF, UNESCO, ILO, and other international organizations in Mongolia. See also Government of Mongolia, *Written Replies by the Government of Mongolia Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic Report of Mongolia*, CRC/C/RESP/87, May 6, 2005, 19, 36; available from http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.RESP.87.pdf.

[3152] Educational Law and Law on Primary and Secondary Education, as cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Status Report*, Geneva, June 14, 2002, 2.

[3153] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 12.

[3154] Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report, June 2002*, 2-3.

[3155] A revised proposal was submitted by Mongolia's National Council for the Millennium Challenge Account. Government of Mongolia, *New Opportunities for Mongolians,* Government of Mongolia, [online] October 2005 [cited July 3, 2006]; available from http://www.mca.mn/eng/Mongolian.pdf, 12-15.

[3156] ADB, *Mongolia: Second Education Development Project,* ADB, [online] August 22, 2002 [cited September 28, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/31213013.ASP.

schools; improve teaching and learning environments in primary and secondary schools; and promote demand-driven vocational education for youth.[3157] The World Bank is providing a USD 8 million loan to support the Government of Mongolia's Economic Growth Support and Poverty Reduction Strategy, which aims to deliver high quality basic social services such as health care and education to all Mongolians.[3158] The Government of Mongolia became eligible for the World Bank's Education for All Fast Track Initiative in 2004, but did not join the Initiative in 2005.[3159] However, the government held a national Education for All Forum and continued to work toward its EFA goals in 2005, which include committing 20 percent of the national budget to education expenditures; extending educational services to children with special vulnerabilities or living in remote areas, particularly for early childhood; improving government capacity for education policy planning, management and implementation; reducing illiteracy; and achieving quality basic education for all.[3160]

[3157] ADB, *Mongolia: Third Education Development Project,* ADB, [online] September 23, 2005 [cited September 28, 2005]; available from http://www.adb.org/Documents/Profiles/LOAN/34187013.ASP.

[3158] World Bank, *World Bank Provides US$8 Million Credit to Support Mongolia's Public Sector Reform Program,* [online] June 25, 2003 [cited June 1, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20116974~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

[3159] World Bank, *Education for All Fast Track Initiative: Developing Countries,* World Bank, [online] n.d. [cited December 12, 2005]; available from http://www1.worldbank.org/education/efafti/countries.asp. See also World Bank, *EFA Global Monitoring Report 2005*, Washington, D.C., 2005; available from http://portal.unesco.org/education/en/ev.php-URL_ID=35955&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[3160] Technology Government of Mongolia Ministry of Science, Education and Culture, *Mid-Term Action Plan for Improving Education for All in Mongolia, 2002-2005*, Ulaanbaatar, February 3, 2004; available from http://portal.unesco.org/education/en/ev.php-URL_ID=29251&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also ILO-IPEC, *Mongolia Time-Bound Programme, project document*, 9.

Morocco

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 1/06/2000	
Ratified Convention 182 1/26/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plans (Agriculture and Herding, Industry, Metal and Auto Work, Construction, Hospitality, Food Production, and the Informal Sector)	

Incidence and Nature of Child Labor

An estimated 13.2 percent of children ages 7 to 14 years were counted as working in Morocco in 1998/1999. Approximately 13.5 percent of all boys 7 to 14 were working compared to 12.8 percent of girls in the same age group. The majority of working children were found in the agricultural sector (60.6 percent), followed by other sectors (21.1 percent), services (10.1 percent), and manufacturing (8.2 percent).[3161] Of the children who work in the agricultural sector, the vast majority work on family farms, picking fruit and vegetables or as shepherds, and do not attend school.[3162] Children in rural areas are reportedly six times more likely to be working than those in urban areas.[3163] Children also work in the industrial and artisanal sectors in the production of leather goods, textiles, carpets, garments, pottery, and other light manufacturing activities.[3164] A large number of children work as junior artisans in the handicraft industry, many of them working as apprentices before they reach 12 years of age and

[3161] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3162] The region where child labor is most prevalent is Doukala, an agricultural province south of Casablanca, where an estimated 26.1 percent of children, ages 7 to 14, are working the field and tending livestock. See Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, prepared by ILO, UNICEF, and World Bank, pursuant to Report prepared for the UCW Project, March 2003, 2, 20; available from http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf. See also U.S. Consulate - Casablanca, *reporting,* May 4, 2005. See also U.S. Consulate- Casablanca, *reporting,* September 16, 2005. See also Zakia Abdennebi and Souhail Karam, *Child Labour in Morocco Falling but Action Needed,* Reuters, [online] April 26, 2005 [cited April 28, 2005]; available from http://www.reuters.co.za/locales/c_newsArticle.jsp:426e6e7e:35d7a6753d2a66d?type=topNews&localeKey=en_ZA&storyID=8300448 <http://www.reuters.co.za/locales/c_newsArticle.jsp.

[3163] Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 2.

[3164] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Morocco*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41728.htm. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties*, CRC/C/OPSA/MAR/1, pursuant to Article 12(1) of the Optional Protocal to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: Morocco, Initial reports of States parties due in 2004, July 15, 2005, para. 137. Sale, a suburb of Rabat, is considered the region where child labor in textile production is most common. See ILO-IPEC, *Combating child labour in Morocco by creating an enabling national environment and developing direct action against worst forms of child labour in rural areas*, technical progress report, Geneva, March 15, 2005, 7.

under substandard health and safety conditions.[3165] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, less than 2 percent of the population in Morocco were living on less than USD 1 a day.[3166]

Morocco is a country of destination for children trafficked from sub-Saharan Africa, North Africa, and Asia and serves as a transit and origin point for children trafficked to Europe for the purposes of forced labor, drug trafficking, and commercial sexual exploitation. Children are also trafficked internally for exploitation as child domestic workers and beggars, and for prostitution.[3167] In urban areas, many girls working as domestic servants can be found in situations of unregulated "adoptive servitude," in which girls from rural areas are "sold" by their parents, trafficked, and "adopted" by wealthy urban families to work in their homes.[3168] Children are also "rented" out by their parents or other relatives to beg.[3169]

Thousands of street children live and work in Morocco's urban centers. Street children in Morocco engage in diverse forms of work including selling cigarettes, begging, shining shoes, washing and polishing cars, and other miscellaneous occupations.[3170] Street children are predominantly boys, but girls, commonly former household maids who have fled abusive employers, are also seen on the street in increasing numbers. Street children are vulnerable to sexual, physical and substance abuse and to being forced into illicit activities such as prostitution, drug-selling or theft in order to collect money for gang leaders.[3171] There are official reports of child prostitution in the cities of Agadir, Casablanca, Meknès, Tangier, Marrakech, and Rabat. Child commercial sexual exploitation involves both boys and girls,[3172] and is perpetrated by Moroccan nationals and, to a lesser extent, by foreigners, particularly from Western countries and the Gulf

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[3165] Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 26. See also U.S. Department of State, *Country Reports- 2004: Morocco*, Section 6d.

[3166] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[3167] A growing number of girls are trafficked to El-Hajeb in the Middle Atlas where they are forced into prostitution. See U.S. Department of State, *Trafficking in Persons Report - 2005: Morocco*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also ECPAT International, *Morocco,* in ECPAT International, [database online] 2004 [cited December 16, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[3168] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5. See also WTO General Council Review of Trade Policies, *Internationally-Recognised Core Labour Standards in Morocco*, prepared by ICFTU, June 16-18, 2003, 8; available from http://www.icftu.org/www/pdf/cls_morocco_2003.pdf. See also Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 2.

[3169] According to a 2004 survey conducted by the Moroccan League for the Protection of Children, 15 percent of children surveyed below the age of 7 had been offered by their parents to serve as props of sympathy for adult beggars. Some were rented for as little as 50 dirhams per week (USD 5.50). See U.S. Consulate - Casablanca, *reporting,* January 20, 2005.

[3170] Kingdom of Morocco, Ministry in Charge of the Condition of Women, the Protection of the Family, Childhood, and the Integration of the Handicapped, *Synthèse d'une étude preliminaire sur les enfants de la rue*, Rabat, October 2001. See also UN Committee on the Rights of the Child, *Consideration of Reports, under Article 12: Morocco*, para. 137.

[3171] Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 29-30.

[3172] Ibid., 28-29. See also U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5. See also U.S. Consulate- Casablanca, *reporting,* September 16, 2005.

States. Commercial sex tourism involving children is acknowledged by government and NGO sources, most notably in the cities of Tangier and Marrakech.[3173] Isolated cases of child pornography have been reported in the country; however, the Minister of Human Rights and the Parliamentary Commission on Social Affairs have acknowledged the problem but indicate that it goes mostly undetected.[3174]

Education is free and compulsory for children ages 6 to 15 years.[3175] In 2002, the gross primary enrollment rate was 110 percent and the net primary enrollment rate was 90 percent.[3176] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1998, the most recent year for which data are available, 71.6 percent of children ages 7 to 14 years were attending school.[3177] As of 2001, 81 percent of children who started primary school were likely to reach grade 5.[3178] Rural girls often do not complete primary school.[3179] In 2004, the government began to take steps to enforce the 2000 school attendance law,[3180] and as many as 140,000 children under the age of 15 are enrolled in government remedial and vocational education programs.[3181]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.[3182] The minimum age restriction applies to the industrial, commercial, and agricultural sectors and also extends to children working in apprenticeships and family enterprises.[3183] According to the Labor Code, children under the age of 16 are prohibited from working more than 10 hours per day, which includes at least a 1 hour break.[3184] Children under the age of 16

[3173] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5. See also Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 29. See also U.S. Department of State, *Trafficking in Persons Report - 2005: Morocco*. See also ECPAT International, *Morocco*, Child Prostitution.
[3174] Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 29.
[3175] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5. See also U.S. Department of State- Bureau of Near Eastern Affairs, *Background Note: Morocco,* [online] July 2005 [cited December 16, 2005]; available from http://www.state.gov/r/pa/ei/bgn/5431.htm.
[3176] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[3177] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[3178] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates).
[3179] U.S. Consulate - Casablanca, *reporting,* August 24, 2004.
[3180] Ibid.
[3181] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5.
[3182] The new Labor Code went into effect in June 2004. See *Royal Decree No.1.03.194 of September 11, 2003, concerning the promulgation of Law no. 65-99 on the Labor Code*, (June 6), Article 143. See also U.S. Consulate - Casablanca, *reporting,* August 24, 2004.
[3183] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Morocco*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27934.htm. See also Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, 38.
[3184] *Labor Code*, Articles 184 and 188.

are not permitted to work at night between the hours of 9 p.m. and 6 a.m. in non-agricultural work or between 8 p.m. and 5 p.m. in agricultural activities.[3185] It is prohibited to employ children under the age of 18 in stone quarries or underground work carried out in mines.[3186] Employers are prohibited from permitting workers to use products or substances, equipment, or machinery deemed potentially hazardous for their health or safety and from performing activities that pose an extreme danger to them, exceed their capacities, or result in the breach of public morals.[3187] In January 2005, the Government of Morocco adopted a list of hazardous work prohibited for minors under the age of 18 years.[3188]

The worst forms of child labor may be prosecuted under different statutes in Morocco. The Labor Code and Criminal Code prohibit forced or compulsory labor, including by children, but these provisions have been difficult to enforce in the informal sector and private homes where most of this labor occurs.[3189] A 1993 law provides protection for abandoned children in Morocco. According to this law, persons younger than 18 and unable to support themselves economically are identified as abandoned if their parents are unknown, unable to be located, or incompetent of assuming a parental role. These children are then considered eligible for adoption, and adoptive parents are entitled to a stipend from the government.[3190] There has been some concern that girls are being fostered at higher rates than boys and that this is facilitating the practice of "adoptive servitude."[3191] The new Family Code, which was published and took effect in February 2004, protects and gives rights to illegitimate and abandoned children who have often found themselves in desperate situations leading to child labor.[3192] The minimum age for conscription into government armed forces has been raised from 18 to 20 years.[3193] Since

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[3185] Ibid., Article 172.
[3186] Ibid., Articles 179-180.
[3187] Ibid., Articles 181 and 287.
[3188] It is prohibited to employ minors whose age is less than 18 years in the following occupations: cleaning and repair of mechanical equipment; use of dangerous machinery; welding; erecting frames of buildings or homes; roof work; demolition; and glassworks. See *Decree No.682.0.2 of December 29, 2004, relating to the regulation of works prohibited to minors less than 18 years, women and handicapped wage-earners*, (January 3, 2005). See also ILO-IPEC, *Combating child labour in Morocco, technical progress report*, Geneva, June 17, 2005, Annex B, page 2 and Annex 1. See also Management Systems International, *technical progress report. Project Adros. Combating Child Labor Through Education in Morocco*, Rabat, March 31, 2005, 1.
[3189] *Labor Code*, Article 588. See also the Criminal Code, Article467 as cited in UN Committee on the Rights of the Child, *Consideration of Reports, under Article 12: Morocco*, Articles 36 and 40. See also U.S. Department of State, *Country Reports- 2004: Morocco*, Section 6c. See U.S. Consulate - Casablanca, *reporting,* August 24, 2004.
[3190] UN Committee on the Rights of the Child, *Summary Record of the 882nd Meeting, Consideration of Reports Submitted by States Parties (continued): Second Periodic Report of Morocco (continued)*, CRC/C/SR/.882, pursuant to Article 44 of the Convention on the Rights of the Child, July 16, 2003, paras. 18-19; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e3b9ac683d8dd0ac1256d7a004a2b52/$FILE/G0342258.pdf.
[3191] Ibid., para. 43.
[3192] Management Systems International, *Project Adros, technical progress report, March 2004*, 3-4.
[3193] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Second periodic reports of States parties due in 2000*, CRC/C/93/Add.3, pursuant to Article 44 of the Convention on the Rights of the Child, February 12, 2003, paras. 160-161. See also Coalition to Stop

1999, the Government of Morocco has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3194]

The prostitution of children, child trafficking, corruption of minors, and involvement of children in pornography are prohibited under the Criminal Code. Soliciting for the purposes of prostitution, as well as aiding, protecting, or profiting from the prostitution of others, are also banned by the Criminal Code.[3195] In January 2004, revisions were made to the Criminal Code, which made sexual abuse a crime and increased penalties against those who hire children under age 18 for purposes of sexual exploitation. The Criminal Code revisions raised penalties against those involved in child sexual exploitation, child pornography, child sex tourism and abusive child labor. Anyone who incites a minor under age 18 to commit a vice or who contributes to the corruption of a minor is subject to a prison sentence of 2 to 10 years, and a fine of up to 2,000,000 Dirhams (USD 221,925). The same penalties apply in cases where an attempt was made to commit such offenses or when part of the offense was committed outside Morocco.[3196]

The Immigration and Emigration Act prohibits trafficking of persons through the levying of fines and prison sentences against individuals involved in or failing to prevent trafficking in persons, including government officials.[3197] There are several other statutes under which traffickers can be prosecuted, including laws on kidnapping, forced prostitution, and coercion. According to Articles 472-478 of the Criminal Code, any person who uses violence, threats, or fraud to abduct (or attempt to abduct) a minor under 18 years of age or facilitate the abduction of a minor may be imprisoned for up to 5 to 10 years. If the minor is under the age of 12, the sentence is doubled from 10 to 20 years.[3198]

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the Use of Child Soldiers, *Child Soldiers Global Report 2004: Morocco*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=948.

[3194] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[3195] ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Report of the Committee of Experts on Morocco's Application of ILO Convention No. 182, Direct Request, CEACR 2004/75th Session,* pursuant to Article 22 of the ILO Constitution, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Report of the Committee of Experts on Morocco's Application of ILO Convention No. 182, Observation, CEACR 2004/75th Session,* pursuant to Article 22 of the ILO Constitution, 2004; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.

[3196] Articles 497-504 as amended by Act No. 2403 on reform of the Criminal Code. See UN Committee on the Rights of the Child, *Consideration of Reports, under Article 12: Morocco*, paras.23-37, U.S. Consulate-Casablanca, electronic communication to USDOL official, March 25, 2004. See also U.S. Consulate-Casablanca, *reporting,* January 8, 2004. For currency conversion, see FXConverter, in Oanda.com, [online] [cited December 16, 2005]; available from http://www.oanda.com/convert/classic.

[3197] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5. This law went into effect on November 20, 2003 as Law 02-03. See U.S. Consulate- Casablanca, *reporting,* December 30, 2003.

[3198] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Report of the Committee of Experts, Direct Request*. See also ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Report of the Committee of Experts, Observation*.

According to the U.S. Department of State, law enforcement agencies actively investigate, prosecute, and convict traffickers.[3199]

The Ministry of Employment, Social Affairs, and Solidarity is responsible for implementing and enforcing child labor laws and regulations.[3200] The Labor Code provides for legal sanctions against employers who recruit children under the age of 15, and employers who hire children under age 15 may be punished with a fine of 25,000 to 30,000 Dirhams (USD 2,774 to 3,329).[3201] Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for a period of 5 to 10 years.[3202] The new Labor Code and amendments have enabled inspectors and the police to bring charges against employers of children under age 15 in all sectors, including apprenticed children and family businesses.[3203] Labor inspectors can now also take action against abusive employers of child maids under age 15, but only a few employers of child maids have been prosecuted.[3204] The Government has also passed laws which prohibit beggary that exploits children and the buying and selling of child brides. The legal age for girls to marry is 18.[3205]

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

The Government of Morocco has put in place a number of action programs toward the achievement of its 2005-2015 action plan to eliminate child labor.[3206] The government has established national and sectoral action plans to combat child labor, especially its worst forms.[3207] The focus of the national plan includes improving implementation and raising awareness of child labor laws, and improving basic education. Sectoral plans target children in agriculture and herding, the industrial sector (carpets and stitching), metal and auto work, construction, the hospitality industry, and food production, as well as children working in the informal sector,[3208] such as street children and children subjected to sexual exploitation.[3209] In March 2005, the Minister of Labor and

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[3199] U.S. Department of State, *Trafficking in Persons Report - 2005: Morocco*. See also U.S. Department of State, *Country Reports- 2004: Morocco*, Section 5.
[3200] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 6d.
[3201] *Labor Code*, Article 151. For currency conversion, see FXConverter.
[3202] UN Committee on the Rights of the Child, *Consideration of Reports: Morocco*, para. 647.
[3203] U.S. Department of State, *Country Reports- 2004: Morocco*, Section 6d. See also *Labor Code*, Article 533.
[3204] U.S. Consulate - Casablanca, *reporting,* August 24, 2004. See also U.S. Consulate- Casablanca, *reporting,* September 16, 2005. See also U.S. Consulate - Casablanca, *reporting,* June 27, 2005. See also ILO-IPEC, *Combating child labour in Morocco, technical progress report*, Geneva, August 14, 2005, 2.
[3205] U.S. Consulate - Casablanca, *reporting,* January 20, 2005. See also U.S. Consulate- Casablanca, *reporting,* September 16, 2005.
[3206] U.S. Consulate- Casablanca, *reporting,* September 16, 2005.
[3207] U.S. Consulate- Casablanca, *reporting,* October 2001. See also Kingdom of Morocco, *Plans national et sectoriels d'action de la lutte contre le travail des enfants au Maroc*, October 1999.
[3208] Kingdom of Morocco, *Plans national et sectoriels d'action*, 5-9.
[3209] UN Committee on the Rights of the Child, *Consideration of Reports, under Article 12: Morocco*, paras. 98-99 and 128-129.

Vocational Training sent a letter to provincial governors urging them to implement child labor legislation.[3210]

In addition to the new legal provisions to protect children, the Government has committed 37.6 million Dirhams (USD 4.2 million) to a joint program of the Ministries of Employment, Health, and Social Welfare, through which the ministries will join with private organizations to offer vocational training, job placement and micro-credits to assist adult beggars and the parents of child beggars.[3211] In May 2005, King Mohammed VI launched the National Initiative for Human Development, which involves replacing shantytowns with new housing units, creating employment, improving education and expanding access to education, and developing literacy programs. Children at risk, including child laborers, are among the priority populations to be served by the Initiative.[3212]

In December 2004, the Government of Morocco collaborated with UNICEF to organize the second Arab-African Congress against the Sexual Exploitation of Children and the Secretariat of State for the Family, Solidarity and Social Action is coordinating a comprehensive national action plan to combat all forms of sexual exploitation of children in Morocco.[3213] In cooperation with UNICEF, the Ministry of Justice also provides ongoing training to juvenile judges to increase their awareness of child rights and the associated legal provisions. The National Observatory on the Rights of the Child has established a reception center for abused children, with a 24-hour hotline and staff to provide medical, psychological and social counseling.[3214]

In April 2005, the Government of Morocco, ILO-IPEC, UNICEF and the World Bank jointly convened a national seminar in Rabat on "How Best to Integrate the Fight against Child Labor in the Context of Social Development." The Minister of Employment, who gave the opening remarks, was joined by the Secretaries of State for Literacy and Non-formal Education and for Family, Children and the Disabled. The government officials re-emphasized their commitment to combating child labor, raising awareness of the negative consequences of child labor, and helping rural families increase their incomes.[3215]

The Secretariat of State for the Family, Solidarity and Social Action in collaboration with NGOs and local authorities, is implementing pilot programs in support of the draft National Action Plan for the rehabilitation and reintegration of street children. Centers to promote the reintegration of street children have been established in Tangier, Tetouan

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[3210] Management Systems International, *Project Adros: Combating Child Labor Through Education in Morocco*, technical progress report, Rabat, September 30, 2005, 3.
[3211] U.S. Consulate - Casablanca, *reporting,* January 20, 2005. For currency conversion, see FXConverter.
[3212] In support of this initiative, the annual budget for the education sector was raised to USD 3.7 billion. See U.S. Consulate - Casablanca, *reporting,* August 8, 2005. See also ILO-IPEC, *Combating child labour in Morocco, technical progress report*, August 14, 2005, 2.
[3213] UN Committee on the Rights of the Child, *Consideration of Reports, under Article 12: Morocco*, paras. 14-15, 99.
[3214] Ibid., paras. 115, 116, and 119.
[3215] U.S. Consulate - Casablanca, *reporting,* May 2, 2005.

and Casablanca. The Ministry of Interior has also carried out a number of activities on behalf of street children and has worked with the U.S. Department of State to improve its anti-trafficking operations.[3216]

The Government of Morocco is participating in two USDOL-funded projects to eliminate child labor and provide educational opportunities for working children. The first USDOL-funded effort is a USD 3 million ADROS project executed by Management Systems International that aims to eliminate the practice of selling and hiring child domestic workers and to create educational opportunities for child laborers and those vulnerable to child labor.[3217] The second USDOL-funded effort in the amount of USD 2 million is an ILO-IPEC child labor project in Morocco, which aims to strengthen national efforts against the worst forms of child labor in Morocco and to remove and prevent children from work in rural areas of the country.[3218] In 2005, ILO-IPEC received additional funds from other donors to support the activities relating to this program.[3219]

The Ministry of National Education and Youth (MNEY) implements programs for out-of-school children under its Non-Formal Education Program.[3220] In 2004, USAID began funding a USD 30 million project entitled "Advancing Learning and Employability for a Better Future" (ALEF), which aims to strengthen the quality of Morocco's workforce by building the capacity of the educational system to provide young people with skills needed in a changing labor market. Specifically, the project focuses on increasing access to middle schools, especially for girls in rural areas and access to vocational training in the fields of tourism and agriculture.[3221]

[3216] UN Committee on the Rights of the Child, *Consideration of Reports, under Article 12: Morocco*, paras. 129-133. See also U.S. Department of State- Office to Monitor and Combat Trafficking in Persons, *FY04 United States Government-Funded Anti-Trafficking in Persons Programs,* 2004 [cited December 16, 2005]; available from http://www.usdoj.gov/ag/annualreports/tr2004/agreportappendix1.htm.

[3217] U.S. Consulate- Casablanca, *reporting,* September 16, 2005. See also Management Systems International, *Adros: Combating Child Labor through Education in Morocco*, project document, Rabat, August 6, 2003, 2-3.

[3218] The project targets the Gharb region near Rabat and the Massa-Sousa-Daraa region in the environs of Agadir. See U.S. Consulate - Casablanca, *reporting,* August 24, 2004. See also ILO-IPEC, *Combating child labour in Morocco by creating an enabling national environment and developing direct action against worst forms of child labour in rural areas*, project document, Geneva, September 10, 2003, 1-2.

[3219] ILO-IPEC, *Combating child labour in Morocco, technical progress report*, August 14, 2005, 3.

[3220] Since 1997, the Ministry's non-formal education program has given remedial instruction to hundreds of thousands of children and is working to adapt the curriculum to make it more relevant to the needs of older students. See U.S. Consulate - Casablanca, *reporting*, August 19, 2003.

[3221] Academy for Educational Development (AED), *ALEF: Advancing Learning and Employability for a Better Future (Morocco),* [online] [cited December 16, 2005], 4; available from http://www.aed.org/Projects/ALEF_Morocco.cfm?renderforprint=1. See also Management Systems International, *Project Adros, technical progress report, March 2005*.

Mozambique

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/16/2003	
Ratified Convention 182	6/16/2003	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Mozambique are unavailable.[3222] A joint Ministry of Labor and UNICEF rapid assessment survey of children under 18 working in selected areas estimated that approximately 50 percent of working children begin to work before the age of 12.[3223] Poverty, the HIV/AIDS epidemic, lack of employment for adults, and lack of education opportunities are among the many factors that pushed children to work at an early age.[3224]

Children work on family farms and in informal work including guarding cars, collecting scrap metal, and selling goods in the streets.[3225] Children in the informal sector work selling goods on the street and collecting fares on buses.[3226] In rural areas, they work on commercial farms sometimes alongside their parents, often picking cotton or tea.[3227] An increasing number of children, mostly girls, work as domestic servants.[3228] In some cases, children are forced to work in order to settle family debts.[3229] Child labor is one of many problems associated with poverty. In 1996, the most recent year for which data

[3222] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section "Data Sources and Definitions."

[3223] Government of Mozambique, Ministry of Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, Geneva, 1999/2000, 36.

[3224] U.S. Embassy - Maputo, *reporting*, October 13, 2004. UNICEF, *Latest News,* December 1, 2003 [cited May 26, 2004]; available from http://www.unicef.org/mozambique/late_news.htm.

[3225] Section 6d., U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Mozambique*, February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41617.htm. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 54. In one sample of working children, over 40 percent of children worked as traders and hawkers, see UNICEF, *Child Workers in the Shadow of AIDS*, 58.

[3226] Child Labour News Service Update, *Union Puts Child Labor in Mozambique Under Spotlight,* February 2, 2002 [cited May 24, 2004]; available from http://www.sweatshopwatch.org/swatch/headlines/2002/childlabour_feb02.html.

[3227] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 61-76.

[3228] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 47.

[3229] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 6c.

is available, 37.9 percent of the population in Mozambique were living on less than USD 1 a day.[3230]

The number of children in prostitution is growing in both urban and rural regions, particularly in Maputo, Nampula, Beira, and along key transportation routes.[3231] Many child victims of commercial sexual exploitation have been infected with HIV/AIDS.[3232] Street children have been reported to suffer from police beatings and sexual abuse.[3233] However, in 2004, the most recent date for which such information is available, no incidents were reported.[3234] Mozambique is a source country for child trafficking. Reliable numbers on the extent of the problem are not available, but a 2003 study reported that 1,000 women and children were trafficked from Mozambique to South Africa in 2002 to work as prostitutes, in restaurants, and on South African farms.[3235]

Education is compulsory and free through the age of 12 years, but matriculation fees are charged and are a burden for many families.[3236] Families below the poverty line can obtain a certificate waiving the fee.[3237] Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the scarcity of schools in the upper grades.[3238]

In 2002, the gross primary enrollment rate was 103 percent, and the net primary enrollment rate was 55 percent.[3239] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1996, 51.7 percent of children ages 7 to 14 years

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[3230] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.
[3231] Ibid., Section 5.
[3232] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mozambique*, Washington, D.C., March 31 2003, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18217.htm. Some young prostitutes in Mozambique choose to have unprotected sex to increase their income, see HIVdent, *Child Laborers at Risk for AIDS,* July 25, 2001 [cited May 24, 2004]; available from http://www.hivdent.org/pediatrics/pedclarfa072001.htm. See also chapter on Mozambique in UNICEF, *Child Workers in the Shadow of AIDS*, 49-60.
[3233] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 5.
[3234] Ibid.
[3235] Ibid., Section 6f. See also ECPAT International, *Mozambique,* [database online] January 6, 2004 [cited September 2, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See International Organization for Migration, *The Trafficking of Women and Children in the Southern Africa Region. Presentation of Research Findings*, March 24, 2003, 1. See also U.S. Embassy - Maputo, *reporting,* October 13, 2004.
[3236] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 5. See also U.S. Embassy - Maputo, *reporting,* October 13, 2004.
[3237] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 5. See also U.S. Embassy - Maputo, *reporting,* October 13, 2004.
[3238] In the 1990s almost half of Mozambique's 3,200 primary schools were destroyed, and learning materials were in short supply. See UNICEF, *Child Workers in the Shadow of AIDS*, 55.
[3239] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

were attending school.[3240] As of 2001, 49 percent of children who started primary school were likely to reach grade 5.[3241] At the end of 2003 an estimated 370,000 children in Mozambique were AIDS orphans.[3242] It is estimated that HIV/AIDS could lead to a decline in teacher numbers by 2010.[3243]

Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years. In exceptional cases, the law allows children between the ages of 12 and 15 to work with the joint approval of the Ministries of Labor, Health, and Education.[3244] The Law restricts the conditions under which minors between the ages of 15 and 18 may work, limits the number of hours they can work, and establishes training, education, and medical exam requirements.[3245] 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.[3246] According to Article 79 of the Labor Law, employers are required to provide children between 12 and 15 with vocational training and offer age appropriate work conditions.[3247]

The worst forms of child labor may be prosecuted under different statutes in Mozambique. The Constitution prohibits forced labor, except in the context of penal law.[3248] The age for conscription and voluntary recruitment into the military is 18 years.[3249] In times of war, however, the minimum age for military conscription may be changed.[3250]

[3240] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[3241] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3242] UNICEF, *Latest News, December 1, 2003*.
[3243] UN Committee on the Rights of the Child, *Summary Record of 762nd Meeting. Consideration of Reports of State Parties. Initial report of Mozambique*, February 28, 2003.
[3244] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 6d. See also U.S. Embassy-Maputo, *reporting*, October 13, 2004.
[3245] U.S. Embassy - Maputo, *reporting,* October 13, 2004. See also U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 6d.
[3246] For children under 18, the maximum workday is seven hours, and the maximum work week is 38 hours. U.S. Embassy-Maputo, *reporting,* October 13, 2004.
[3247] UN Committee on the Rights of the Child, *CRC Initial Report of Mozambique*. UNICEF estimates that only about 14 percent of employers paid for school fees for boys employed in trade. See UNICEF, *Child Workers in the Shadow of AIDS*, 53.
[3248] *Constitution of Mozambique, 1990*, (November 1990); available from http://confinder.richmond.edu/MOZ.htm.
[3249] U.S. Embassy- Maputo, *unclassified telegram no. 2544*, September 2001.
[3250] Coalition to Stop the Use of Child Soldiers, *Mozambique,* May 2001 [cited May 28, 2004]; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/fffdbd058ae1d99d80256adc005c2bb8/271431570d2ec5d980256b1e004dc637?OpenDocument&Highlight=0,mozambique.

The Penal Code prohibits the offering or procuring of prostitution of any form, including that of children.[3251] In May 1999, the National Assembly passed a law prohibiting the access of minors to bars and clubs in an effort to address the problem of child prostitution.[3252] Some provisions of the Penal Code protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.[3253] There is no law against trafficking, but some police have been trained on how to recognize and investigate trafficking cases.[3254] Three pilot programs have been set up in police stations in the provinces to assist child trafficking victims.[3255]

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.[3256] Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.[3257] Child labor inspectors have not received specialized training. The police are responsible for investigating complaints relating to child labor offences punishable under the Penal Code.[3258] According to the U.S. Department of State, both the Labor Inspectorate and police lack adequate staff, funds, and training to investigate child labor cases, especially outside the capital.[3259] In theory, violators of child labor laws would be subject to fines ranging from 1 to 10 times the minimum wage.[3260] The Government of Mozambique in 2003 launched a review of its existing laws regarding children for the purpose of undertaking legal reforms in areas including child labor, child trafficking, child prostitution, and child sexual abuse.[3261] By the end of 2005, the government was still in the midst of drafting a comprehensive child protection law.[3262]

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

The Government of Mozambique is collaborating with UNICEF and ILO-IPEC to implement a plan of action which calls for the prevention of child labor and for the protection and rehabilitation of child workers.[3263]

[3251] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 5.
[3252] Ibid.
[3253] Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 80.
[3254] U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*, June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm. Prosecution of cases of sexual assault and rape, some which are trafficking-related, have increased.
[3255] U.S. Department of State, *Country Reports- 2004: Mozambique*.
[3256] U.S. Embassy- Maputo, *unclassified telegram no. 2817*, October 12, 2001.
[3257] Ibid.
[3258] Ibid.
[3259] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 6d.
[3260] U.S. Embassy- Maputo, *unclassified telegram no. 2817*.
[3261] Republic of Mozambique, "Speech of the Minister of Justice, His Excellency Jose Abudo on the occasion of the launch of the Study of Legal Reform for the Protection of Children in Mozambique," (September 1, 2003); available from http://www.unicef.org/mozambique/pdfs/latest_news/210903/discurso_ministro_justica.pdf. See also U.S. Department of State, *Country Reports- 2004: Mozambique*., Section 5.
[3262] U.S. Department of State official, email communication to USDOL official, August 2, 2006.
[3263] Ibid.

Government policies to assist the poor and most vulnerable, such as child laborers, include its Poverty Alleviation Action Plan, and a multi-sectoral approach to the HIV/AIDS epidemic,[3264] which often forces children to drop out of school to support their families.[3265] The government's poverty reduction strategy includes investment in education.[3266] The Ministry for Women and the Co-ordination of Social Action established a multi-sectoral coordination body in support of orphans and vulnerable children.[3267]

The government fights child prostitution and sexual abuse by disseminating pamphlets and flyers and issuing public service announcements.[3268] The government has trained some police officials about child prostitution and pornography and initiated a rehabilitation program for children in prostitution by providing education referrals and training opportunities.[3269] The Ministry of Women and Social Action Coordination is strengthening its efforts to increase the birth registration of children, protect them against abuse, and enhance their access to education.[3270] The government has also launched a program to enhance child protection laws and to enact child trafficking laws.[3271] The Ministry of Women and Social Action has provided provincial hospitals with staff trained to assist victims of trafficking.[3272] The government participates in the Campaign against Trafficking in Children with a number of public and religious personalities and is establishing an assistance center to aid repatriated victims of child trafficking near the border post of Ressano Garcia.[3273]

The government is revising the national Strategic Plan for Education (1999-2003). The country's Poverty Reduction Strategy 2001-2005 seeks to increases school enrollment by raising the educational budget allocation from 2.4 to 4.5 percent.[3274] The Ministry of Education has developed a strategy to reduce the gender gap between boys and girls in

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[3264] See UNICEF, *Social Policy, Information and Monitoring*; available from http://unicef.org/mozambique/social_policy.htm. The government is also working with UNICEF on social protection programs necessitated by the combined effects of poverty, HIV/AIDS, and social dislocation. These programs include supporting the process of legal reform and policy development to benefit vulnerable women and children, and capacity development for special protection. See UNICEF, *Special Protection*; available from http://www.unicef.org/mozambique/crmp_rights3.htm.
[3265] UNICEF, *Child Workers in the Shadow of AIDS*, 51.
[3266] His Excellency Joaquim Alberto Chissano, Statement at UN Special Session on Children, 2002, 3; available from http://www.un.org/ga/children/mozambiqueE.htm.
[3267] UNICEF, *Latest News: First national seminar on children orphaned and made vulnerable by HIV/AIDS,* December 1, 2003 [cited August 18, 2004]; available from http://www.unicef.org/mozambique/late_news.htm#1625316523.
[3268] U.S. Embassy- Maputo, *unclassified telegram no. 2817*.
[3269] Ibid.
[3270] U.S. Department of State, *Country Reports- 2004: Mozambique*, Section 5.
[3271] Ibid., Section 6f.
[3272] Ibid.
[3273] U.S. Embassy - Maputo, *reporting,* October 13, 2004. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*.
[3274] U.S. Embassy - Maputo, *reporting*, August 25, 2005.

terms of access and retention.[3275] The ministry also aims to improve school quality through teacher training and improved materials, and to build capacity for contingency planning in response to emergencies.[3276] As a means to increase access and reduce the drop out rate, the government has introduced a reformed basic education curriculum which is better adapted to community and regional economic development needs.[3277] The government is also working with international donors to expand the primary school network.[3278]

In addition, the government operates a scholarship program to cover the costs of school materials and fees for children, with a special focus on girls and children whose parents have died of HIV/AIDS.[3279] Mozambique also receives funds and agricultural commodities from the United States to support nutritious school meals for children.[3280]

[3275] Ministry of Education, *Speech by his His Excellency Alcido Nguenha--Minister of Education--on the Occasion of the Launch Ceremony of the 2004 State of the World's Children's Report*, January 21, 2004; available from http://www.unicef.org/mozambique/pdfs/latest_news/160204/Min.%20Education.pdf.
[3276] UNICEF, *Basic Education,* [cited September 2, 2004]; available from http://www.unicef.org/mozambique/education_2.htm.
[3277] Ministry of Education, *Speech by his His Excellency Alcido Nguenha--Minister of Education--on the Occasion of the Launch Ceremony of the 2004 State of the World's Children's Report*.
[3278] U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also Republic of Mozambique, "Speech of the Minister of Justice, His Excellency Jose Abudo on the occasion of the launch of the Study of Legal Reform for the Protection of Children in Mozambique."
[3279] Republic of Mozambique, "Speech of the Minister of Justice, His Excellency Jose Abudo on the occasion of the launch of the Study of Legal Reform for the Protection of Children in Mozambique."
[3280] U.S. Department of State, *Washington File: U.S. Funds Will Provide School Meals in Latin America, Caribbean,* August 17, 2004 2004 [cited September 2, 2004]; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Namibia

Indicators of Government Efforts to Eliminate Child Labor		
Ratified Convention 138	11/15/2000	
Ratified Convention 182	11/15/2000	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 1.8 percent of children ages 6 to 14 years were counted as working in Namibia in 1999. Approximately 1.7 percent of all boys 5 to 14 were working compared to 1.8 percent of girls in the same age group. The majority of working children were found in the agricultural sector (91.4 percent), followed by services (8.2 percent), manufacturing (0.4 percent), and other sectors (0.1 percent).[3281] Children work in commercial and subsistence agriculture, street trading, domestic service, and the informal sector.[3282] Commercial sexual exploitation of children is reportedly a problem in cities and on main roads.[3283]

Primary education is compulsory and free in Namibia. Children are required to attend school until they complete their primary education or until the age of 16 years.[3284] However, there are numerous fees for such items as uniforms, books, and school improvements that prevent some poor children from attending school.[3285] Many San children do not attend school.[3286] In 2002, the gross primary enrollment rate was 105 percent and the net primary enrollment rate was 78percent.[3287] Gross and net enrollment

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[3281] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3282] Debie LeBeau, *Scoping Report on Child Labour in Namibia*, Discussion Document, commissioned by ILO-IPEC, Geneva, August 2003. See also U.S. Embassy- Windhoek, *reporting*, August 24, 2004, para 6.

[3283] ECPAT International, *Namibia CSEC Overview,* ECPAT International, [online database] n.d. 2005 [cited June 17, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=119&CountryProfile=&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry. See also Debie LeBeau, *Scoping Report*, 35 and 37.

[3284] *Constitution of the Republic of Namibia, 1990*, (February 1990), Chapter III, Article 20; available from http://www.oefre.unibe.ch/law/icl/wa00000_.html. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41618.htm.

[3285] U.S. Department of State, *Country Reports- 2004: Namibia*, Section 5.

[3286] Ibid. The San people are nomadic and live in the remote areas of Namibia. See *The people of Namibia: Information on ethnic groups,* Namibweb.com, 2005 [cited June 28, 2005]; available from http://www.namibweb.com/people.html.

[3287] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary

ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, 91.6 percent of children ages 6 to 14 years were attending school.[3288] As of 2001, 95 percent of children who started primary school were likely to reach grade five.[3289]

Child Labor Laws and Enforcement

The Labor Act stipulates that children under the age of 14 years cannot be employed for any purpose. The Act prohibits children under the age of 16 years from working in any mine, industrial, or construction setting or underground, and prohibits children under the age of 18 years from engaging in night work.[3290] The Constitution provides that children under the age of 16 years are entitled to be protected from economic exploitation and are not to be employed in any work that is likely to be hazardous, harmful to their health or physical, mental, spiritual, moral, or social development, or that would interfere with their education.[3291]

The worst forms of child labor may be prosecuted under different statutes in Namibia. Although it does not specifically mention children, the Constitution prohibits slavery and forced labor.[3292] The Prevention of Organized Crime Act, enacted in November 2004, expressly prohibits trafficking in persons.[3293] The Combating of Immoral Practices Act of 1980 and the Children's Act of 1960 protect children from being used as commercial sex workers and make it an offense for any adult, including the parent, guardian, or custodian of a child, to solicit or entice a child to participate in commercial sex work.[3294] The Constitution provides for compulsory military service, but individuals currently enlist in the armed forces on a voluntary basis. According to Ministry of Defense policy, the minimum age for voluntary military service is 18 years.[3295] Since 1999, the Government of Namibia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3296]

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

[3288] UCW analysis of ILO SIMPOC, UNICEF MICS and World Bank surveys, Child Economic Activity and School Attendance Rates .

[3289] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[3290] Night work is defined as any work taking place between 10 pm and 7 am. Government of Namibia, *Labor Act 2004*, (December 8, 2004), Chapter 2, Sections 3 and 4; available from http://www.mol.gov.na/acts/Gaz3339.pdf. See also Debie LeBeau, *Scoping Report*, 17.

[3291] *Constitution of the Republic of Namibia, 1990*, Article 15.

[3292] Ibid., Article 9.

[3293] U.S. Department of State, *Country Reports- 2004: Namibia*, Section 5.

[3294] Debie LeBeau, *Scoping Report*, 21.

[3295] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, 2005; available from http://www.child-soldiers.org/document_get.php?id=788.

[3296] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

The Ministry of Labor is responsible for enforcing the Labor Act.[3297] Ministry inspectors are trained on identifying the worst forms of child labor and using the existing enforcement mechanisms.[3298] In 2004, the most recent period for which such information is available, labor inspectors used updated inspection forms that included specific provisions to address child labor issues at the workplace.[3299] The Women and Child Protection Units of the Namibian Police Force investigate cases involving abduction and child prostitution.[3300] The Ministry of Gender Equality and Child Welfare is charged with ensuring that adequate care is provided to children, particularly orphans and other vulnerable children.[3301]

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

The Government of Namibia is working with ILO-IPEC to implement a USDOL-funded regional child labor project in Southern Africa, which includes activities in Namibia. Project activities in Namibia include piloting methods for the prevention and withdrawal of children in the worst forms of child labor, conducting research on the nature and incidence of exploitative child labor, and building the capacity of the government to address child labor issues.[3302] In collaboration with the government and NGOs, the American Institutes for Research is implementing a USDOL-funded project to improve quality and access to basic and vocational education for children who are working or at risk of being engaged in exploitative child labor.[3303]

The Government of Namibia launched a national policy in February 2005, with the support of UNICEF, to protect the well-being of orphans and vulnerable children and reduce their vulnerability to HIV/AIDS.[3304] In collaboration with the Ministry of

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[3297] ILO, *The Effective Abolition of Child Labour: Review of Annual Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, GB.280/3/2, Geneva, March 2001, 321; available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf.
[3298] U.S. Embassy- Windhoek, *reporting,* August 24, 2004, para 4. See also U.S. Department of State, *Country Reports- 2004: Namibia*, Section 6d.
[3299] U.S. Department of State, *Country Reports- 2004: Namibia*, Section 6d.
[3300] Government of Namibia, *Units within the Namibian Police Force,* [online] 2005 [cited October 3, 2005]; available from http://www.nampol.gov.na/html/units.html.
[3301] Government of Namibia, *Statement by His Excellency Sam Nujoma, President of the Republic of Namibia, On the Occassion of the Official Launching of the National Policy on Orphans and Vulnerable Children,* [online] 2005 [cited June 17, 2005]; available from http://www.grnnet.gov.na/Nav_frames/News_launch.htm.
[3302] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Geneva, September 30, 2003, 38-39.
[3303] *Notice of Award: Cooperative Agreement*, U.S. Department of Labor/American Institutes for Research, Washington, D.C., August 16, 2004, 1-2.
[3304] Integrated Regional Information Networks, "Namibia: Policy aims to assist OVC", IRINnews.org, [online], February 10, 2005 [cited March 1, 2005]; available from http://www.irinnews.org/report.asp?ReportID=45493&SelectRegion=Southern_Africa&Sel. See also Namibia, *Statement by the President of Namibia*, Integrated Regional Information Networks, "Namibia: Policy aims to assist OVC."

Women's Affairs and Child Welfare and NGOs, USAID is building community capacity to provide for the needs of orphans and vulnerable children. USAID also supports school programs, psycho-social services for children, the Orphans and Vulnerable Children Permanent Task Force, and provides technical assistance to the Orphans and Vulnerable Children Trust Fund.[3305] The U.S. Embassy supports child education through the Ambassador's Girls Scholarship Fund. The Government of Namibia's Ministry of Gender Equality and Child Welfare and the Ministry of Health and Social Services aim to keep orphans and vulnerable children in school through the provision of grants and scholarships. These scholarships are directed especially towards child-headed households.[3306]

The Government of Namibia's Ministry of Education is implementing its National Plan of Action 2002-2015 for education, called Education and Training Sector Improvement Program (ETSIP).[3307] UNICEF's country program through 2005 includes a focus on children's health, care, and development.[3308] In an effort to increase the rate of primary school enrollment for marginalized children, particularly girls, UNICEF supports the development of culturally appropriate educational programs, the improvement of quality of education, and the strengthening of family and community capacity to plan and manage child education.[3309] The U.S. Government, under its Africa Education Initiative, also provides scholarships to vulnerable primary school girls to enable them to attend and do well in school.

[3305] U.S. Agency for International Development, *USAID Namibia,* [online] 2005 [cited June 17, 2005]; available from http://www.usaid.org.na/project.asp?proid=5.
[3306] U.S. Embassy- Windhoek, *reporting,* August 24, 2004, para 5.
[3307] Government of Namibia, *National Plan of Action 2002-2015,* as cited in UNESCO, Education Plans and Policies, [cited October 3, 2005]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20935&URL_DO=DO_TOPIC&URL_SECTION=201.html.
[3308] *Government of Namibia/UNICEF Country Programme of Co-operation 2002-2005,* UNICEF Nambia, [online] [cited June 17, 2005]; available from http://www.un.na/unicef/projects.htm.
[3309] *At a glance: Namibia,* [online] 2005 [cited June 16, 2005]; available from http://www.unicef.org/infobycountry/namibia.html.

Nepal

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/30/97	
Ratified Convention 182	1/3/02	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

Incidence and Nature of Child Labor

An estimated 39.6 percent of children ages 5 to 14 were counted as working in Nepal in 1999. Approximately 35.4 percent of all boys 5 to 14 were working compared to 44 percent of girls in the same age group. The majority of working children were found in the agricultural sector (87.1 percent), followed by services (11 percent), manufacturing (1.3 percent) and other sectors (0.5 percent).[3310] According to the National Child Labor Study, 50 types of paid economic activities outside the home have been recorded as involving children.[3311] Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, 39.1 percent of the population in Nepal were living on less than USD 1 a day.[3312]

The 16 worst forms of child labor identified by the Ministry of Labor and Transport Management and listed in the National Master Plan on Child Labor are: slavery/forced labor, prostitution, trafficking in persons, drug peddling, scavenging/rag picking, portering, and domestic service, as well as work or involvement in the following: small restaurants/bars, overland transportation, armed conflicts, carpet factories, brick/tile kilns, match factories, leather tanneries, stone quarries, and coal mines. When working in small restaurants and bars and in domestic service, children lack rest, work long hours, and are at risk of sexual exploitation. When making bricks or in carpet factories, children inhale dust and risk bodily deformation from work posture or carrying heavy loads.[3313] Though bonded labor is outlawed in Nepal, the children of former *Kamaiyas* continue to

[3310] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3311] Kamal Banskota, Bikash Sharma, and Binod Shrestha, *Study on the Costs and Benefits of the Elimination of Child Labor in Nepal*, Study for the International Labor Office International Program on the Elimination of Child Labor (IPEC), Kathmandu, 2002, 5-6. Over 80 percent of the population in Nepal support themselves with subsistence agriculture. U.S. Department of State, *Country Reports on Human Rights Practices-2004: Nepal*, Washington, D.C., February 28, 2005, Introduction, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41742.htm.

[3312] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3313] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004, 2, Annex 1.7. See also U.S. Department of State, *Country Reports-2004: Nepal*, Section 6d.

work.[3314] Throughout the country, children carry heavy loads as short-distance and long-distance porters.[3315] The majority of the children working in stone quarries work 9 to 10 hours per day and most are girls 11 to 13 years old.[3316] Many children under 14 years old are domestic servants.[3317] Children also work in family-based weaving operations and smaller factories.[3318]

Although more recent figures are not available, a 2001 study found 30 percent of prostitutes in Kathmandu were below 18 years old. The government has reported a range of estimates for the number of child trafficking victims. Some 5,000 to 12,000 girls may be trafficked for commercial sexual exploitation annually, and as many as 200,000 trafficked Nepalese girls are estimated to reside in Indian brothels.[3319] While trafficking of children often leads to their sexual exploitation, there is also demand for trafficked boys and girls to work in the informal labor sector. Some reports indicate thousands of children are trafficked to India to work in carpet factories, circuses, agriculture, road construction, domestic service, and begging. Boys are also trafficked to India to work in the embroidery industry.[3320]

A Maoist insurrection continues throughout Nepal with violence directed at government, security, and civilian targets. There are reports that Maoist insurgents use children as soldiers, cooks, and messengers.[3321] There is anecdotal evidence that unaccompanied children are fleeing areas of civil unrest and migrating to urban areas because of

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[3314] U.S. Department of State, *Country Reports-2004: Nepal*, Section 6c. See also U.S. Embassy-Kathmandu, *reporting*, August 19, 2005. See also ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, technical progress report, Geneva, September 2005, 19. One type of bonded labor in Nepal is called *Kamaiya* and people caught in its grips as *Kamaiyas*.

[3315] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Annex 1.5.

[3316] Suresh Pradhan, ILO-IPEC Nepal Official, Presentation on Child Labor in Stone Quarries in Nepal, Consultation Meeting on Child Labor in Artisanal and Small-Scale Mining, World Bank, April 29, 2004.

[3317] Shiva Sharma, Manasa Thakurathi, Krishna Sapkota, Bishnu Devkota, and Brahma Rimal, *Situation of Domestic Child Labourers in Kathmandu: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 31-32; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ra/index.htm.

[3318] U.S. Department of State, *Country Reports-2004: Nepal*, Section 6d. See also Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 2, Annex 1.7.

[3319] U.S. Department of State, *Country Reports-2004: Nepal*, Section 5. See also Bal Kumar KC, Govind Subedi Yogendra Bahadur Gurung, and Keshab Prasad Adhikari, *Nepal Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 1-2; available from http://www.ilo.org/public/english/standards/ipec/simpoc/nepal/ra/trafficking.pdf.

[3320] Women's Rehabilitation Centre (WOREC), *Cross-border Trafficking of Boys*, ILO-IPEC, Kathmandu, March 2002, 2, 10; available from http://www.ilo.org/public/english/standards/ipec/publ/download/boys_trafic02_en.pdf. See also Women's Rehabilitation Centre (WOREC), "Insight: A Publication Against Trafficking in Persons," 2003; available from http://www.worecnepal.org/downloads/insight.pdf. See also U.S. Department of State, *Country Reports-2004: Nepal*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report-2005: Nepal*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm#nepal.

[3321] U.S. Department of State, *Country Reports-2004: Nepal*, Section 5. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004,* Coalition to Stop the Use of Child Soldiers, [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document_get.php?id=861.

economic hardship and to avoid recruitment by Maoist insurgents.[3322] A network of NGOs that monitor violations against children in armed conflict have documented cases of insurgents destroying schools and using school premises to abduct and recruit thousands of students and teachers from schools. Schools have been battle zones for both the insurgents and the Royal Nepal Army.[3323]

Education is not compulsory in Nepal.[3324] The Constitution states that it is a fundamental right for each community to operate primary schools and educate children in their mother language. It is government policy to raise the standard of living of the population through development of education and other social investments, making special provisions for females, economically and socially disadvantaged groups, and by making gradual arrangements for free education.[3325] Although tuition is not supposed to be charged, primary schools commonly charge fees to pay for other school expenses, and families frequently do not have the money to pay for school supplies and clothing.[3326]

In 2002, the gross primary enrollment rate was 119 percent and in 2000, the most recent year for which data are available, the net primary enrollment rate was 70 percent.[3327] Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 1999, 69.2 percent of children ages 5 to 14 years were attending school.[3328] As of 2001, 65 percent of children who started primary school were likely to reach grade five.[3329]

Child Labor Laws and Enforcement

The Labor Act of 1992 and the Children's Act of 1992 set the minimum age for employment at 14 years.[3330] The Child Labor Prohibition and Regulation Act of 2000

[3322] U.S. Embassy- Kathmandu, *reporting,* August 19, 2005.
[3323] Watchlist on Children and Armed Conflict, *Nepal's Children Devastated by Raging Armed Conflict: Call for Immediate Action*, press release, Kathmandu and New York, January 26, 2005; available from http://www.watchlist.org/reports/nepal.pr.20050120.php.
[3324] Committee on the Rights of the Child, *Concluding Observations (unedited version) of the Committee on the Rights of the Child: Nepal*, June 3, 2005, para. 75; available from http://www.bayefsky.com/./pdf/nepal_t4_crc_39.pdf.
[3325] Government of Nepal, *Constitution of the Kingdom of Nepal*, (November 9, 1990), Part 3, Article 18 (2) and Part 4, Articles 26 (1, 7-10); available from http://www.oefre.unibe.ch/law/icl/np00000_.html.
[3326] U.S. Department of State, *Country Reports-2004: Nepal*, Section 5.
[3327] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[3328] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[3329] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3330] The Labor Act defines a child as anyone below the age of 14 years and a minor as anyone between the ages of 14 and 18 years. Government of Nepal, *Labor Act, 1992*, Chapter 1, Section 2 (h) and (i); available from http://natlex.ilo.org/txt/E92NPL01.htm. The Children's Act identifies a child as below the age of 16 years. Government of Nepal, *Children's Act, 2048*, (1992), Chapter 1, sec. 2(a) and Chapter 5, sec. 47(1); available from http://www.labournepal.org/labourlaws/child_act.html.

(Child Labor Act) consolidates child labor provisions in the Labor and Children's Acts and lists different occupations in which children below 16 years cannot be employed, provides for penalties for those who do not comply, and calls for establishment of a Child Labor Elimination Committee and Child Labor Elimination Fund. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m.[3331] The Child Labor Act only covers formal sectors of employment, leaving the majority of children who work in the informal sector without legal protection. The Act imposes a punishment of up to 3 months in prison, a fine of up to 10,000 RS (USD 150) or both for employing an underage child. Employing a child in dangerous work or against their will is punishable with imprisonment for up to 1 year, a fine of up to 50,000 (USD 753), or both.[3332] The Labor Act also allows for a fine to be levied against employers in violation of labor laws.[3333] The Constitution of Nepal prohibits the employment of minors in factories, mines or other hazardous work.[3334] The minimum age for voluntary military service is 18 years, but children can begin military training at age 15.[3335]

The worst forms of child labor may be prosecuted under different statutes in Nepal. The primary anti-trafficking law is the Human Trafficking Control Act of 1986.[3336] The *Kamaiya* system, a form of bonded labor, was banned in 2000, and the *Kamaiya* Labor (Prohibition) Act came into effect in February 2002. The Act outlaws keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and *Kamaiya* laborers. Enforcement of the law is inconsistent as approximately 14,000 former *Kamaiyas* await resettlement, and children from such families continue to work.[3337] Since 1999, the Government of Nepal has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3338]

The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing child rights legislation.[3339] The Ministry of Labor and Transport Management's Child Labor Section and Labor Offices are responsible for enforcing child

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[3331] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*. See also U.S. Embassy- Kathmandu, *reporting,* August 20, 2004. The Child Labor Act defines children as below the age of 16 years, and permits the employment of children 14 years and older. Government of Nepal, *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), Section 2(a), 3(1) and (2); available from http://natlex.ilo.org/txt/E00NPL01.htm.

[3332] *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 19(1) and (2). For currency conversion, see FXConverter, [online] [cited November 4, 2005]; available from http://www.oanda.com/convert/classic.

[3333] Persons in violation of this Act may be subject to fines between 1,000 and 5,000 Nepalese Rupees (USD 14 and 72). *Labor Act (1992)*, Section 55. For currency conversion, see FXConverter.

[3334] *Constitution of the Kingdom of Nepal*, Article 20.

[3335] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

[3336] According to Section 5, anyone can file a complaint or petition about a case of trafficking at any police station, and the petitioner is required to produce all available evidence. Government of Nepal, *Trafficking and Selling in Person Activity (Prohibition) Act, 2043*, Act No. 15 of 2043 Bikram Era, (1986).

[3337] Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), Chapter 6, Section 16.

[3338] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[3339] *Children's Act, 2048*, Section 32 and 33.

labor legislation and issues.[3340] The U.S. Department of State reports that despite legal protections, resources devoted to enforcement of child labor laws are limited and the Ministry employs too few inspectors to address the problem effectively. There are 10 labor inspectors located in 10 offices in Nepal, who are responsible for conducting inspections of all corporations registered with the Ministry of Labor. In 2005, the Ministry of Labor reached its annual goal of 500 inspections; according to a Ministry official, no instances of child labor were found.[3341]

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

The Ministry of Labor and Transport Management of Nepal revised a national Master Plan on Child Labor for 2004-2014 that, at the end of 2005, was still awaiting approval by the Cabinet. The revised plan calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014.[3342] The ILO-IPEC Core Timebound Program Project targets 7 of the 16 worst forms of child labor in 35 districts of Nepal in two phases (totaling 7 years). Targeted children are porters, rag pickers (recyclers), domestic workers, laborers in the carpet industry and in mines, bonded laborers, and children trafficked for sexual or labor exploitation.[3343] World Education and its local partner organizations also continue to implement a child labor educational initiative program funded by USDOL and share knowledge gained at the community level to inform government policies related to child labor.[3344] The government has a National Plan of Action to Combat Trafficking and has established a 16-member National Coordination Committee with a National Task Force that provides policy direction and coordinates activities on child trafficking.[3345]

The government continues to take action in order to rescue and rehabilitate freed bonded laborers and has established a Freed *Kamaiya* Rehabilitation and Monitoring Committee to promote this work at the district level; however, distribution of land to former *Kamaiyas* has not been consistent with the level of need.[3346] In 2000, USDOL funded a project that is on-going to support former child bonded laborers and their families.[3347]

[3340] *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 20 and 21.
[3341] U.S. Embassy- Katmandu, *reporting*, August 19, 2005. See also U.S. Department of State, *Country Reports-2004: Nepal*, Section 6d.
[3342] Committee on the Rights of the Child, *Concluding Observations of the Committee (unedited versions) 2005*, para. 93. Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*.
[3343] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*. See also ILO-IPEC, *The Timebound Program in Nepal - The IPEC Core TBP Project*, technical progress report, NEP/01/P50/USA, Kathmandu, September 2003.
[3344] World Education, *Projects by Country: Nepal,* [online] 2005 [cited November 4, 2005]; available from http://www.worlded.org/weiinternet/Projects/ListProjects.cfm?Select=Country&ID=266.
[3345] Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2001, 8.
[3346] U.S. Department of State, *Country Reports-2004: Nepal*, Section 6c.
[3347] ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, project document, Geneva, December 2000.

Nepal continues to be a part of an ILO-IPEC regional project to combat trafficking in Asia.[3348]

Nepal launched a nationwide back-to-school enrollment campaign in 2005. As part of the campaign, school-going children identified friends who were not going to school. Some 50,000 cards were distributed to parents inviting them to bring such children to school.[3349] This effort is supported through the Government of Nepal's Education for All program, which benefits from a USD 50 million credit approved by the World Bank in 2004 combined with about USD 100 million in grant funding from other donors, for basic and primary education expenditures over the next 5 years.[3350] The Seventh Education Amendment was passed in 2002, which began the government's commitment to decentralization of the education system. The Community School Support Project received funding in 2003 from the World Bank in support of the government policy of providing communities incentives to take over the management of government-funded schools.[3351] The Primary Education Development Project has been underway since 1992 and prepares new primary school teachers and constructs schools.[3352] The government has budgeted for 5,098 new classrooms and 250 school buildings, and 6,000 additional child development centers to be constructed in fiscal year 2005-2006.[3353]

[3348] ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, Geneva, February 2002.

[3349] Global Campaign for Education, *Week of Action Information for Nepal,* Global Campaign for Education, [online] 2005 [cited January 25, 2006]; available from http://www.campaignforeducation.org/country/countrypage.php?cid=110.

[3350] World Bank, *World Bank To Support Nepal's Education for All Goals,* [News Release No:2005/12/SAR] July 8, 2004 [cited July 8, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20223949~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html#.

[3351] World Bank, *Community School Support Project, Vol. 1 of 1.,* World Bank, [online] June 11, 2003 [cited July 8, 2005]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000012009_20030620111206.

[3352] World Bank, *Nepal: World Bank Approves Credit for Community School Support Project,* [online news release] June 30, 2003 [cited July 8, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20117923~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html.

[3353] ILO-IPEC, *The Timebound Program in Nepal - The IPEC Core TBP Project*, technical progress report, Kathmandu, September 2005.

Nicaragua

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/2/1981	
Ratified Convention 182	11/6/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 10.9 percent of children ages 6 to 14 years were counted as working in Nicaragua in 2001. Approximately 15.7 percent of all boys 6 to 14 were working compared to 5.8 percent of girls in the same age group. The majority of working children were found in the agricultural sector (62.5 percent), followed by services (31.8 percent), manufacturing (5.3 percent), and other sectors (0.4 percent).[3354] Children work in the production of such crops as coffee, corn, sugar, and tobacco.[3355] Children also work in markets, street sales, restaurants, and hotels; manufacturing; and personal services, such as domestic service in third-party homes. A small percentage of children engage in mining, stone quarrying, construction, and transport.[3356] The majority of children work in the informal sector, and some are engaged in garbage dump scavenging.[3357] Some children engage in begging, and the Ministry of Labor of Nicaragua reports that some children are "rented" out by their parents to organized groups of beggars.[3358] Child labor is one of many problems associated with poverty. In 2001, 45.1 percent of the population in Nicaragua were living on less than USD 1 a day.[3359]

Child prostitution is a problem in Nicaragua.[3360] Nicaragua is a source and transit country for children trafficked for the purpose of sexual exploitation. Children are

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[3354] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3355] See also UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3) Formulated by the Committee on the Rights of the Child in Connection with Consideration of the Third Periodic Report of Nicaragua*, CRC/C/RESP/83, prepared by Government of Nicaragua, pursuant to Article 44 of the Convention on the Rights of the Child, April 18 2005, 56; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3faa16ea862e67b2c125701f00457e2f/$FILE/CRC_C_RESP_83(E).doc.

[3356] Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey in Nicaragua*, Geneva, April 2003, 29-30.

[3357] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Nicaragua*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41768.htm.

[3358] Ibid.

[3359] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3360] See Ibid., Section 5. See also The Protection Project, *Nicaragua*, Washington, DC, 2005; available from http://www.protectionproject.org/report/nicaragua.doc.

trafficked within Nicaragua from rural to urban areas and from the country to other parts of Central America and Mexico.[3361]

Education is free and compulsory through the sixth grade, or to the age of 12.[3362] The U.S. Department of State reports, however, that this provision is not enforced.[3363] In addition, although education is theoretically free, parents are still charged school fees in some instances.[3364] In 2002, the gross primary enrollment rate was 108 percent and the net primary enrollment rate was 85 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.[3365] In 2001, 85 percent of children ages 6 to 14 years were attending school.[3366] As of 2001, 65 percent of children who started primary school were likely to reach grade five.[3367] In 2000, 50 percent of working children did not attend school.[3368]

Child Labor Laws and Enforcement

The Labor Code of 1996 and the Child and Adolescent Code of 1998 set the minimum age for employment at 14 years.[3369] A ministerial resolution also specifically prohibits children under 14 from work in export processing zones, while another prohibits contracting children under 16 for work at sea.[3370] The UN Committee on the Rights of

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[3361] U.S. Department of State, *Trafficking in Persons Report- 2005: Nicaragua*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.

[3362] The Republic of Nicaragua, *Constitución de Nicaragua*, (1987, with 1995 reforms), Article 121; available from http://www.georgetown.edu/pdba/Constitutions/Nica/nica95.html. See also U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nicaragua,* CRC/C/15/Add.108, Geneva, August 24, 1999, para 23; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a60af0697af83942802567970048377 8?Opendocument.

[3363] U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5.

[3364] UN Committee on the Rights of the Child, *Summary Record of the 1043rd Meeting*, CRC/C/SR. 1043, Geneva, June 8, 2005, 6; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d18ca2b74eeae926c12570210046d2ff/$FILE/G0542165.pdf.

[3365] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[3366] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[3367] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[3368] Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey*, 36.

[3369] Government of Nicaragua, *Ley núm. 474 por la que se dicta la Ley de reforma al Título VI, Libro Primero del Código de Trabajo*, (October 21, 2003), Article 2; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=67286. See also Government of Nicaragua, *Código de la Niñez y la Adolescencia, Ley. No. 287*, (May 1998), Article 73; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55822/66754/S98NIC01.htm.

[3370] Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey*, 17.

the Child has raised concerns about the gap between age for completing compulsory schooling and the minimum age of work.[3371] The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has stated that the minimum age provision in Nicaraguan law appears to apply only to work relationships where a contract between employer and worker exists, thereby excluding children working on their own account or children in the informal sector who often do not have formal contracts with their employer.[3372]

Children 14 to 16 years old cannot work without parental permission.[3373] Under the Labor Code, adolescents 14 to 18 cannot work over 6 hours a day or 30 hours a week. Adolescents are also prohibited from engaging in work that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues, and work that may interfere with schooling.[3374] ILO's CEACR has expressed concern that adolescents ages 16 to 18 may not be fully protected against performing certain kinds of hazardous work.[3375] For violations of child labor laws, the Labor Code calls for the imposition of fines from 5 to 15 times the average minimum wage in Nicaragua. Revenues for fines are assigned to the National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI). As of May 2005, minimum wages ranged from 769 Cordobas (USD 43) per month in agriculture to 1838 Cordobas (USD 103) per month in banking and construction.[3376]

The worst forms of child labor are prohibited under different laws in Nicaragua. The Constitution prohibits forced labor, slavery, and indentured servitude.[3377] The Constitution, which had abolished obligatory military service, was amended in 1995 to allow conscription. There has been no policy of conscription since that time, however, and the minimum age for conscription is unclear.[3378] The Penal Code establishes a penalty of 4 to 8 years of imprisonment for those found guilty of recruiting children

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[3371] UN Committee on the Rights of the Child, *List of Issues to be taken up in Connection with Consideration of the Third Periodic Report of Nicaragua*, CRC/C/Q/NIC/3, February 11, 2005, 3; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0f01c004cf2737b2c1256fe10037e1d9/$FILE/CRC.C.Q.NIC.3(Nicaragua).pdf.

[3372] ILO-CEACR, *Direct request, CEACR 2003/74th Session: Minimum Age Convention, 1973 (No. 138) Nicaragua (ratification: 1981)*, 2003; available from http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displaycomment.cfm?hdroff=1&ctry=0440&year=2003&type=R&conv=C138&lang=EN.

[3373] U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 6d.

[3374] *Ley núm. 474*, Articles 3-5.

[3375] ILO-CEACR, *Direct request*.

[3376] *Ley núm. 474*, Article 6. See also NATLEX, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=NIC&p_classification=04&p_origin=COUNTRY (Decreto núm. 22-97 de creación de la Comisión Nacional para la erradicación progresiva del trabajo infantil y la protección del menor trabajador, accessed December 16, 2005). See also U.S. Embassy- Managua, *reporting*, July 26, 2005. For currency conversion, see Oanda.com, *FXConverter*, [online] [cited July 1, 2006]; available from http://www.oanda.com/convert/classic.

[3377] *Constitución de Nicaragua*. Articles 40-4. See also U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 6c.

[3378] Coalition to Stop the Use of Child Soldiers, "Nicaragua," in *Child Soldiers Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=833.

under 16 years into prostitution and 12 years of imprisonment for recruiting children under 12 years.[3379] The Children and Adolescents' Code forbids any person from promoting, filming, or selling child pornography.[3380] The Penal Code prohibits trafficking in persons and imposes a penalty of 4 to 10 years of imprisonment for those found in violation of the law.[3381] Since 1999, the Government of Nicaragua has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3382]

The government has a Child Labor Inspector's Office within the Ministry of Labor's Inspector General's Office; however, the Office does not have its own inspectors. The country's 72 general inspectors and 18 hygiene and safety inspectors are responsible for carrying out regular inspections throughout the country monitoring labor conditions including compliance with child labor laws and regulations.[3383] During 2004, the most recent year for which such information is available, 121 infractions of child labor laws were discovered involving 2,102 children. The majority of infractions were found in the agricultural sector in rural areas, and the three most common types of infractions were contract violations, excessive working hours, and health and safety violations.[3384] The Ministry of Labor reports that strip clubs are inspected several times a year to prevent the employment of children.[3385] The Ministry of Labor is responsible for enforcing child labor laws and levying fines against employers violating the Labor Code.[3386] The Ministry of Government is responsible for overall law enforcement in the country and operates an anti-trafficking office.[3387] According to the U.S. Department of State, the government did not allocate adequate resources to enable the Ministry of Labor to perform its duties effectively.[3388]

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

Through CNEPTI, the Government of Nicaragua worked during the year with international organizations, NGOs, and the private sector to implement its 4-year strategic plan (2001-2005) for addressing child labor.[3389] This plan has been introduced

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[3379] Government of Nicaragua, *Código Penal de la República de Nicaragua*, (1974), Article 201; available from http://www.unifr.ch/derechopenal/legislacion/ni/cp_nicaragua3.pdf.
[3380] *Código de la Niñez y la Adolescencia*, Article 69.
[3381] *Código Penal de la República de Nicaragua*, Article 203.
[3382] ILO-IPEC official, e-mail communication to USDOL official, November 14, 2005.
[3383] U.S. Embassy- Managua, *reporting*, August 12, 2004.
[3384] Ministry of Labor, "Trabajo Infantil," *Anuario Laboral 2004* (n.d.).
[3385] U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5.
[3386] Ministerio del Trabajo, República de Nicaragua, Política Institucional, http://www.mitrab.gob.ni/mision.html, accessed 8/16/06. See also HRR 2005, section 6d.
[3387] U.S. Embassy- Managua, *reporting,* July 26, 2005.
[3388] U.S. Department of State, *Country Reports- 2005: Nicaragua*, Section 6d.
[3389] CNEPTI, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005*, Managua, October 2000, 2. See also U.S. Embassy-Managua, *reporting,* July 26, 2005. For a list of member organizations of CNEPTI from both the public

into municipal government agendas to facilitate local implementation of the plan's objectives. The issue of child labor is also included in the country's National Development Plan.[3390] The government's National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA) directs a 10-year National Action Plan for Children and Adolescents and a 5-year National Plan against the Commercial Sexual Exploitation of Children.[3391]

The Government of Nicaragua participates in a number of ILO-IPEC projects. The government collaborated in a USDOL-funded USD 1.1 million project to combat child labor in garbage scavenging and a Canadian-funded USD 1.1 million project to combat child domestic labor that were completed during 2005.[3392] The government continues to participate in two USDOL-funded regional projects: a USD 4 million project to combat hazardous child labor in agriculture and a USD 8.4 million project to combat the commercial sexual exploitation of children.[3393] The government also continues to collaborate in a USD 500,000 ILO-IPEC project to combat child domestic work funded by the Government of the Netherlands.[3394]

In coordination with the Nicaraguan government, CARE-USA is implementing a USDOL-funded USD 5.5 million regional project to combat exploitative child labor through education.[3395] The government also implements a project to prevent and eradicate child labor in small-scale mining and another to combat child labor in the tobacco growing sector.[3396] The Ministry of Labor has conducted workshops with employers, workers, trade unions, teachers, parents, and other government agencies on child labor.[3397]

Through its Program for Children and Adolescents at Risk (PAINAR), the Ministry of Family works to remove children from work, provide counseling to children and their

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and private sectors, see ILO-IPEC, *Ficha Pais*; available from http://www.oit.org.pe/ipec/documentos/nicaragua.doc.

[3390] UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 42 and 46.

[3391] U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5. See also CONAPINA, *Plan Nacional Contra La Explotación Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008*, November 2003.

[3392] ILO-IPEC, *Elimination of Child Labor at La Chureca Dump Yard, Department of Managua, Nicaragua: Project Revision Form*, Geneva, June 30, 2005, 3. See also ILO - IPEC official, e-mail communication to USDOL official, November 8, 2005.

[3393] Funding levels are approximate. See ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, RLA/03/P50/USA, ILO-IPEC, Geneva, September 17, 2003. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Geneva, September 2005.

[3394] ILO - IPEC official, e-mail communication, November 8, 2005.

[3395] CARE USA, *APRENDO Project: Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, 2004.

[3396] UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 56.

[3397] Ibid., 49-50.

families, and coordinate with other government agencies, the police, and NGOs to provide services.[3398] The ministry also operates a "traffic lights" project to assist children who perform odd jobs around traffic intersections.[3399] In addition, the ministry provides support to children and adolescents who have been victims of commercial sexual exploitation in Managua.[3400]

The government is implementing a massive birth registration campaign to address long standing problems with registering children from indigenous communities and in rural areas of the country, in order to facilitate their access to schooling and other services, and reduce their vulnerability to crimes such as trafficking.[3401]

With assistance from the ILO, the government continued to implement a trafficking awareness campaign specifically for border police and immigration officials and the Women's Commission of the Police carried out a nationwide trafficking awareness campaign in high schools.[3402]

The Ministry of Education, Culture and Sports (MECD) is implementing a 15-year National Education Plan that includes strategies to improve teacher training, access to education, and relevance of education, which are common barriers for working children to obtaining an education.[3403] The government is also operating a number of specific programs to promote basic education. The government has mounted an effort to eliminate the "voluntary" school fees that are still charged in some areas.[3404] The government also operates flexible education programs that enable older and out-of-school children to complete primary school.[3405]

Various donors are also providing support to government basic education efforts. With support from USAID, MECD has implemented updated quality curricula and teacher training programs in primary schools.[3406] UNICEF is implementing programs such as the Child-Friendly and Healthy Schools initiative, which is intended to promote quality

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[3398] U.S. Embassy- Managua, *reporting,* July 26, 2005.
[3399] UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 56.
[3400] Nicaraguan Embassy Counselor, letter to USDOL official, August 16, 2004.
[3401] UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 35. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.264, Geneva, 2005, 7; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e7d17147aa4249f6c1257018002e3a41/$FILE/CRC_C_15_Add264(unedited).pdf.
[3402] U.S. Department of State, *Country Reports- 2004: Nicaragua*, Section 5.
[3403] Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000; available from http://www.mecd.gob.ni/plan1.asp.
[3404] UN Committee on the Rights of the Child, *Summary Record*, 6.
[3405] Director of Primary Education, letter to Secretary General of the Ministry of Education, Culture, and Sports, October 20, 2003.
[3406] USAID, *Nicaragua: USAID Program Profile,* [online] May 13, 2005 [cited June 27, 2005]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/nicaraguaprofile.html.

teaching and improve school meals and sanitation services in schools.[3407] With support from the World Food Program and donors such as Japan, MECD operates school feeding programs that encourage attendance.[3408] The IDB is providing funding of USD 880,000 to MECD to promote completion of basic education among fifth and sixth graders.[3409] The Government of Nicaragua was endorsed for funding from a variety of donors through the World Bank's Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[3410] Currently, the World Bank is providing support for three basic education projects in Nicaragua, for a total funding of approximately USD 69 million.[3411]

[3407] UNICEF, *At a glance: Nicaragua, Real Lives, A Day in the Life of a Determined Schoolgirl,* [online] [cited December 16, 2005]; available from http://www.unicef.org/infobycountry/nicaragua_24060.html.
[3408] Ministry of Education, Culture, and Sports, *Programa Vaso de Leche Escolar,* [online] 2004 [cited June 27, 2005]; available from http://www.mecd.gob.ni/vaso1.asp. See also World Food Program, *Country Programme-Nicaragua (2002-2006)*, Rome, April 27, 2001; available from http://www.wfp.org/operations/current_operations/project_docs/100440.pdf.
[3409] IDB, *Youth and Adult Basic Education Program*, January 21, 2004; available from http://www.iadb.org/projects/Project.cfm?project=NI0171&Language=English.
[3410] FTI Secretariat, *Education for All (EFA) -- Fast Track Initiative (FTI): Status Report, Prepared for the Education for All Fast Track Initiative Annual Meeting*, World Bank, n.p., November 2004, 4; available from http://www1.worldbank.org/education/efafti/documents/Brasilia/status_report_dec6.pdf.
[3411] World Bank, http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P078990 (Nicaragua - Education Project, accessed December 16, 2005). See also World Bank, http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P082885 (Nicaragua PRSC I, accessed December 16, 2005). See also World Bank, http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P064906 (Poverty Reduction and Local Development Project, accessed December 16, 2005).

Niger

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	12/4/1978	
Ratified Convention 182	10/23/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 66.2 percent of children ages 5 to 14 years were counted as working in Niger in 2000. Approximately 71.8 percent of all boys 5 to 14 were working compared to 60.6 percent of girls in the same age group.[3412] Children work primarily in the urban informal and agricultural sectors.[3413] Children in rural areas mainly work on family farms gathering water or firewood, pounding grain, tending animals, or working in the fields.[3414] Children as young as 6 years old are reported to work on grain farms in the southwest.[3415] Children also shine shoes; guard cars; work as apprentices for artisans, tailors, and mechanics; perform domestic work; and work as porters and street beggars.[3416] Children work in hazardous conditions in small trona,[3417] salt, gypsum, and gold mines and quarries as well as in slaughterhouses. In 2000, the ILO estimated that 57 percent of the workers in small quarries in Niger were children. Some 250,000 children were estimated to be working in this sector.[3418] Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, 60.6 percent of the population in Niger were living on less than USD 1 a day.[3419]

[3412] UCW analysis of ILO SIMPOC, UNICEF MICS, and Work Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3413] International Confederation of Free Trade Unions (ICFTU), *Internationally Recognised Core Labour Standards in Niger and Senegal*, ICFTU, Geneva, September 24, 2003; available from http://www.icftu.org/www/pdf/nigersenegalclsreport.pdf.

[3414] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Niger*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41619.htm.

[3415] Integrated Regional Information Networks, "Niger: Child Labour Project Launched", IRINnews.org, [online], September 13, 2001 [cited May 27, 2004]; available from http://www.irinnews.org/print.asp?ReportID=11374.

[3416] UN Committee on the Rights of the Child, *Examen des Rapports Présentés par les États Parties en Application de l'Article 44 de la Convention, Rapports initiaux devant être soumis en 1992, Niger*, CRC/C/3/Add.29/Rev. 1, Geneva, October 17 2001, para. 381. See also U.S. Department of State, *Country Reports- 2003*; *Niger,* Section 6d.

[3417] Trona is a mineral used as a source of sodium compounds.

[3418] Soumaila Alfa, *Child Labour in Small-Scale Mines in Niger*, Sector Publication, ILO, Geneva, September 28, 2000; available from http://www.ilo.org/public/english/dialogue/sector/papers/childmin/137e1.htm#Niger. See also U.S. Embassy- Niamey, *reporting*, August 15, 2003.

[3419] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

Children also are exploited in prostitution and drug trafficking. In the shantytowns that spring up around mines, there are reports that girls as young as 10 are vulnerable to exploitation in prostitution and that both boys and girls are exploited in drug trafficking.[3420]

Traditional forms of caste-based servitude still exist in isolated parts of Niger,[3421] although estimates on the exact number of Nigeriens involved vary. In addition to being subjected to social discrimination, many are forced into labor of various forms.[3422] Children's' caste standing often determines the sort of work in which they engage. Depending on the region, slave-caste children's work is likely to be agricultural or domestic in nature, while other children are involved in cattle rearing, leather, wood, or iron-working.[3423]

Niger serves as a source, transit, and destination country for children trafficked for domestic service and commercial labor, including commercial sexual exploitation.[3424] Some Koranic teachers indenture young boys for manual labor and to send them to beg in the streets.[3425]

Primary education is free and compulsory for six years.[3426] In 2002, the gross primary enrollment rate was 44 percent and the net primary enrollment rate was 38 percent.[3427] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 31.1 percent of children ages 5 to14 years were attending school.[3428] As of 2001,

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[3420] Alfa, *Child Labour in Small-Scale Mines in Niger*. See also U.S. Embassy- Niamey, *unclassified telegram no. 1166*.
[3421] U.S. Department of State, *Country Reports- 2004: Niger*, Section 6c.
[3422] U.S. Embassy – Niamey Official, email correspondence to USDOL Official, July 31, 2006.
[3423] U.S. Embassy – Niamey Official, email correspondence to USDOL Official, July 31, 2006. See also U.S. Department of State, *Country Reports- 2004: Niger*, Section 6c. See also Moustapha Kadi Oumani: *Un Tabou Brise, L'Esclavage En Afrique, Cas du Niger,* L'Harmattan, Paris, 2005. See also Galy Kadir Abdelkader, ed., *Slavery in Niger: Historical, Legal, and Contemporary Perspectives*, Slavery International and Association Timidira, March 2004, 2004. See also The Economist, "Still With Us," *The Economist*, March 9, 2005; available from http://www.economist.com/displayStory.cfm?Story_id=S%27%29%280%2FQ%21%3F%26%20%40%224%0A&tranMode=none.
[3424] U.S. Department of State, *Trafficking in Persons Report- 2004: Niger*, Washington, D.C., June 11, 2004. See also U.S. Department of State, *Country Reports- 2004: Niger*, Section 5.
[3425] U.S. Department of State, *Trafficking in Persons Report- 2005: Niger*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also U.S. Department of State, *Country Reports- 2004: Niger*, Section 6d.
[3426] U.S. Department of State, *Country Reports- 2004: Niger*, Section 5. See also U.S. Embassy- Niamey official, email communication to USDOL official, October 4, 2005.
[3427] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005).
[3428] UCW analysis of ILO SIMPOC, UNICEF MICS, and Work Bank surveys, *Child Economic Activity and School Attendance Rates*. A large number of children, particularly in rural areas, are not registered at birth. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Niger*, Geneva, June 13 2002.

69 percent of children who started primary school were likely to reach grade five.[3429] Among the challenges faced by the Nigerien education system are outdated primary teaching methodologies, pre-school education that is restricted primarily to urban areas, negative parental attitudes towards Nigerien education, inadequate infrastructure, and lack of supplies.[3430] Children are often made to work rather than attend school, particularly during planting or harvesting periods. In addition, nomadic children in northern parts of the country often do not have the opportunity to attend school.[3431] Slave caste children's enrollment in school is decided by their masters. In some cases, slave caste children are allowed to attend school, but their masters can withdraw them at will for work or to give away or sell.[3432] As with other nomadic children, however, the primary constraint facing slave caste children is lack of access to schools.[3433]

Education initiatives were temporarily threatened by the food security emergency that forced families to migrate in search of pasture and food in 2004 and 2005.[3434]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, although children between 12 and 14 years of age may work with special authorization. Children 14 to 18 years old may not work for more than 4.5 hours per day nor in industrial jobs.[3435] The law also requires that employers guarantee minimum sanitary working conditions for children.[3436] The Labor Code prohibits forced and bonded labor, except for work by legally-convicted prisoners.[3437]

The worst forms of child labor may be prosecuted under different statutes in Niger. Niger's 2003 Anti-Slavery Law outlaws all forms of slavery and provides for a prison sentence of 10 to 30 years and a fine for violations.[3438] The minimum age for

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[3429] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3430] UN Committee on the Rights of the Child, *Rapports initiaux*, para. 302, 303, 305, 306. See also Abdelkader, *Slavery in Niger*.
[3431] U.S. Embassy- Niamey, *reporting*, July 2000.
[3432]Masters often give slave caste children away when their own daughter marries and receive, as part of her trousseau, a slave caste boy or girl to take to her new home. See Abdelkader, *Slavery in Niger*. See also Integrated Regional Information Networks, "Niger: The Government Says Slavery No Longer Exists, the Slaves Disagree", June 24 2005; available from http://www.irinnews.org/report.asp?ReportID=47813&SelectRegion=West_Africa&SelectCountry=NIGER.
[3433] U.S. Embassy- Niamey Official, email communication to USDOL Official, July 31, 2006.
[3434] *Combating Exploitive Child Labor through Education in Niger*, Catholic Relief Services, Niamey, March 28 2005. The food crisis had been corrected by October 2005 as harvests were coming in. See U.S. Embassy- Niamey official, email communication, October 4, 2005.
[3435] U.S. Embassy- Niamey, *reporting*, February 1998.
[3436] U.S. Department of State, *Country Reports- 2004: Niger*, Section 6d.
[3437] Despite these legal proscriptions, a traditional caste system is practiced by some ethnic minorities, which promotes slave-like relationships between the upper and lower castes. See International Confederation of Free Trade Unions (ICFTU), *Core Labour Standards in Niger and Senegal*, 8-9. Forced child labor does occur. See also U.S. Department of State, *Country Reports- 2004: Niger*, Section 6d.
[3438] *Du crime d'esclavage*, Special No 4, (April 7, 2004).

conscription into the military is 18 years old.[3439] The Penal Code criminalizes the procurement of a minor for the purpose of prostitution.[3440] Since 1999, the Government of Niger has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3441]

The Ministry of Labor is charged with enforcing labor laws, but has very limited resources with which to do so.[3442] The Ministry of Labor has approximately 30 inspectors deployed nation-wide. They are responsible for investigating cases of child labor, but are also responsible for enforcing all other elements of the labor code as well. As part of a recent project to aid the Government of Niger's fight against child labor, the ILO trained 50 Ministry of Labor inspectors. Each inspector is responsible for the design and implementation of a project on child labor.[3443]

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

The Ministry of Labor continued its work with ILO-IPEC and UNICEF on a child labor program to determine the extent of the problem in the four areas of gold mines, slaughterhouses, street children, and agriculture on the Niger River.[3444] As a result the Ministry of Mines is cooperating in a regional ILO-IPEC project to remove children from the artisanal gold mining in two sites in Niger.[3445] In 2003, the ILO – Government of Niger cooperative project was successful in eliminating child labor from the Niamey slaughterhouse. The project withdrew children from the labor force and reinserted them into schools and vocational training programs.[3446]A child labor network headed by UNICEF and the Ministry of Labor and Social Protection has been organized and will meet on a quarterly basis.[3447] The Government of Niger is also participating in a 4-year USD 2 million USDOL Education Initiative project designed to combat child labor through education.[3448] The program has already provided direct benefits to child laborers and at-risk children, while providing indirect benefits to others who attend the program's schools. The Government of Niger's Ministry of Basic Education has assisted the project

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[3439] US Embassy Niamey, email communication, October 4, 2005.
[3440] The penalty for procuring a minor is two to five years of imprisonment and a fine of 50,000 to 5,000,000 francs (USD 91.05 to 9,105.03). See Government of Niger, *Criminal Code: Chapter VIII- Offenses Against Public Morals,* as cited in The Protection Project Legal Library, [database online], Articles 291 and 292; available from http://209.190.246.239/protectionproject/statutesPDF/NigerF.pdf. *Universal Currency Converter,* in XE.com, [online] [cited October 4, 2005]; available from http://www.xe.com/ucc/convert.cgi.
[3441] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3442] As of August 2003, there were only 8 labor inspectors in the country, one for each region. U.S. Embassy- Niamey, *reporting*.
[3443] U.S. Embassy Niamey, *reporting.*
[3444] U.S. Department of State, *Country Reports- 2004: Niger*, Section 6d.
[3445] ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa Project Document*, Geneva, September 20, 2005 2005.
[3446] U.S. Embassy Niamey, *reporting.*
[3447] *Combating Exploitive Child Labor through Education in Niger*, 2.
[3448] Ibid.

by providing teachers and working with the implementing partners on teacher training and curricula reform. Slave-caste children have been included in the community schools in their regions, and parents of at-risk children have benefited from connected income generating activities. The government has also taken steps on anti-trafficking measures including training on trafficking victim identification and public education sessions, and has signed a Multilateral Agreement on Child Trafficking.[3449] In March 2005, the government began to educate communities on the new Anti-Slavery Law, including the rights of victims.[3450]

Education is a cornerstone of the country's Poverty Reduction Strategy Paper under the IMF's Enhanced Highly Indebted Poor Countries Initiative.[3451] The goals of this initiative include increasing primary school enrollment and completion rates, especially among girls, as well as enrollment in rural secondary schools.[3452] UNICEF is also supporting government education efforts to improve primary education through programs like the African Girls' Education Initiative, as well as general improvements to educational infrastructure and curricula.[3453] WFP is also active in Niger, implementing activities to increase enrollment and attendance in primary schools through a school feeding program.[3454]

[3449] U.S. Embassy- Niamey, *reporting*, November 2005.
[3450] U.S. Department of State, *Trafficking in Persons Report- 2004: Niger*.
[3451] Republic of Niger, *Full Poverty Reduction Strategy*, Niamey, January 2002, 62. See also U.S. Embassy- Niamey, *reporting*, October 2001.
[3452] Republic of Niger, *Poverty Reduction Strategy*, 62.
[3453] UNICEF, *UNICEF- At a Glance: Niger- The Big Picture,* [online] [cited May 27, 2004]; available from http://www.unicef.org/infobycountry/niger.html.
[3454] WFP, *World Hunger - Niger,* [online] [cited June 17, 2004]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=562.

Nigeria

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/2/2002	
Ratified Convention 182	10/2/2002	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Nigeria are unavailable.[3455] Many children work in agriculture and related sectors, helping the family in fishing, farming, or cattle herding. Children also work on commercial farms.[3456] In urban areas, children work as domestic servants, street hawkers, vendors, beggars, scavengers, shoe shiners, car washers/watchers, and bus conductors.[3457] Children also work in cottage industries and mechanical workshops as iron and metal workers, carpenters, tailors, weavers, caterers, barbers and hairdressers.[3458] Child begging is especially widespread in northern Nigeria.[3459] The *almajiranci* system of semi-formal Koranic education has come to rely on child pupils begging to support their *mallam*, or Islamic teacher.[3460] Child labor is one of many problems associated with poverty. In 1996, the most recent year for which data are available, 70.2 percent of the population in Nigeria were living on less than USD 1 a day.[3461]

Commercial sexual exploitation of children is common in many cities in Nigeria.[3462] The country is a source, transit, and destination country for children trafficked for forced

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[3455] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section in the front of the report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3456] Anthony Hodges, *Children's and Women's Rights in Nigeria: A Wake-up Call, Situation Assessment and Analysis 2001* (Lagos: UNICEF and the Nigeria National Planning Commission, 2001), 204. See also Bolanle M Fetuga, et. al., "Prevalence, types and demographic features of child labour among school children in Nigeria," *BMC International Health and Human Rights* 5 (March 2, 2005); available from http://www.biomedcentral.com/1472-698X/52.

[3457] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Nigeria*, February 28, 2005, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41620.htm. See also U.S. Consulate General- Lagos, *reporting*, August 31, 2005. See also Fetuga, "Prevalence, types and demographic features of child labour among school children in Nigeria."

[3458] Hodges, *Children's and Women's Rights in Nigeria*, 205.

[3459] Ibid., 209.

[3460] Ibid.

[3461] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3462] Hodges, 209-210. An NGO has reported that the average age of commercial sex workers is 16 years. See ECPAT International, *Nigeria,* in ECPAT International, [database online] 2002 [cited November 8, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

labor and forced prostitution.[3463] Children from Benin and other African countries are trafficked to Nigeria, where some are forced to work as domestic workers, prostitutes,[3464] or under other exploitative labor conditions.[3465] Nigerian children are trafficked internally and to West and Central Africa for domestic labor, commercial agriculture (including cocoa), quarrying, and street hawking, and to Europe for commercial sexual exploitation.[3466] Children are also trafficked to Saudi Arabia.[3467]

The Constitution of Nigeria requires the government to provide free, compulsory primary education "when practical."[3468] The compulsory education period in Nigeria is 9 years.[3469] In 2002, the gross primary enrollment rate was 119 percent and the net primary enrollment rate was 67 percent.[3470] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Nigeria.[3471] Although more than two-thirds of all states in Nigeria have declared free basic education,[3472] access to education is hindered by the costs of books, transportation, and uniforms.[3473] Girls who are unable to attend school are often required to work as domestics, traders or street vendors.[3474]

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 15 years, except for light agricultural, horticultural, or domestic work performed for the family.[3475] The minimum age for apprenticeships is 13 years.[3476] The Labor Act prohibits employing children to

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[3463] U.S. Department of State, *Trafficking in Persons Report- 2005: Nigeria*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, April, 2001, 1.
[3464] ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)*, 1.
[3465] U.S. Department of State, *Trafficking in Persons Report- 2005: Nigeria*.
[3466] Ibid. See also ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, project document, RAF/02/P50/USA, Geneva, September 2002. Children are often trafficked by relatives or other familiar people who offer salary payments, schooling or training. See U.S. Department of State, *Country Reports- 2004: Nigeria*, section 5.
[3467] U.S. Department of State, *Country Reports- 2004: Nigeria*, Section 5.
[3468] U.S. Department of State, *Country Reports- 2004: Nigeria*, Section 5. However, according to the U.S. Department of State, authorities do not effectively enforce laws on compulsory education. See U.S. Embassy- Abuja, *reporting*, September 20 2004.
[3469] Nigerian Federal Ministry of Labour and Productivity official, interview with DOL contractor, March 29, 2005.
[3470] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005).
[3471] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[3472] U.S. Consulate General- Lagos, *reporting*, August 31, 2005.
[3473] U.S. Embassy- Abuja, *reporting,* September 20, 2004.
[3474] U.S. Department of State, *Country Reports- 2004: Nigeria*, section 5.
[3475] Ibid., section 6d. See also *Nigeria Labour Act*, (1974), article 59; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42156/64980/E7RNGA01.htm#p3.
[3476] *Nigeria Labour Act*, article 49.

lift or carry any load likely to negatively affect their physical development, and establishes a minimum age of 15 years for industrial work and maritime employment.[3477] Children under 16 years are prohibited from working underground, on machines, at night, on a public holiday, or in employment that is dangerous or immoral, for more than 4 consecutive hours, or for more than 8 hours a day.[3478] The Act authorizes the Ministry of Labor to regulate child domestic service.[3479]

The worst forms of child labor may be prosecuted under different statutes in Nigeria. According to section 11 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, any person who traffics a child under the age of 18 years into or out of Nigeria with the intent to prostitute him/her is subject to imprisonment from ten years to life. The Act stipulates a prison term for any person who procures for himself or others any child under the age of 18, and for any person who commits a child in their care to prostitution or indecent assault.[3480] The Act also prohibits forced labor, trafficking in slaves, pornography, drug trafficking, or forced or compulsory recruitment into armed conflict. The Act applies to all residents of Nigeria, and to Nigerians who are convicted outside of Nigeria for trafficking-related offenses. It also provides for the rights of victims of trafficking, including the right to access health and social services while a temporary resident, protection of identity, and the right to press charges against the trafficker.[3481] Eleven Nigerian states afflicted by trafficking have established anti-trafficking police units.[3482]

The Child Rights Act provides for a ten-year sentence for the trafficking of children for the purposes of hawking, begging, prostitution, pornography, labor under slave-like conditions, and activities related to illicit drugs.[3483] Nigeria has no military conscription. Recruitment into the professional armed forces is on a voluntary basis. The minimum legal recruitment age is 18. [3484]

Child labor regulations, policies and laws are promoted and enforced at the federal, state and local levels by various ministries and agencies. The Federal Ministry of Employment, Labor and Productivity[3485] coordinates all efforts to combat child labor through its Inspectorate Department, which includes a Child Labor Unit. As of March,

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[3477] Ibid., articles 59-61.
[3478] Ibid., articles 59-60.
[3479] Ibid., articles 59 and 65.
[3480] Government of Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003*, (July), sections 11-19, 21, 23, 25-26, 36-38. See also UNFPA, *Nigeria Enacts Anti-Human Trafficking Law*, April 5, 2004; available from http://www.unfpa.org/parliamentarians/news/newsletters/issue20.htm. See also U.S. Consulate General-Lagos, *reporting,* August 31, 2005.
[3481] *Trafficking in Persons Act*. See also UNFPA, *Nigeria Enacts Anti-Human Trafficking Law*.
[3482] U.S. Department of State, *Country Reports- 2004: Nigeria*, section 5.
[3483] Federal Republic of Nigeria, *Official Gazette*, No. 116, Lagos, December 23, 2003, Article 30.
[3484] Recruitment into the professional armed forces is on a voluntary basis. The minimum legal recruitment age is 18. See Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004-Nigeria*, online report, 2004; available from http://www.child-soldiers.org/document_get.php?id=790.
[3485] The Government of Nigeria, *Federal Ministry of Employment, Labour and Productivity,* [online] [cited January 20, 2006]; available from http://www.nigeria.gov.ng/fed_min_employment_labour.aspx.

the Ministry had 318 Labor Officers and Inspectors, 80 of whom had been trained in child labor issues.[3486] According to the U.S. Department of State, government initiatives to stem the incidence of child labor have been ineffective.[3487] Inspectors are hindered by inadequate funding, transportation, training, incentives, and resistance by employers, children and their families.[3488] The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act established The National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP), a national agency to coordinate trafficking in persons efforts, oversee enforcement of the Act, and to provide for victim rehabilitation.[3489] According to U.S. Department of State, trafficking in persons funding is inadequate and official corruption, particularly among immigration and airport authorities, allows traffickers to gain access into the country.[3490]

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

The Government of Nigeria participates in two USDOL-funded regional projects: the first aims to combat the trafficking of children,[3491] and the second, funded jointly with the Cocoa Global Issues Group, withdraws children from hazardous work in the cocoa sector, generates income for families, and improves access to and the quality of education.[3492] In addition, the USAID-supported Sustainable Tree Crops Program incorporates child labor issues into its program in Nigeria, and coordinates with the ILO-IPEC program to address child labor in the cocoa sector.[3493] In 2005, the U.S. Department of State began funding four anti-trafficking awareness raising projects throughout the country.[3494]

The UN Office on Drugs and Crime's (UNODC) Global Program against Trafficking in Human Beings provides technical assistance to the government to assess trends in human trafficking.[3495] In addition, the Governments of Nigeria and Italy are collaborating on a separate UNODC project to reduce the trafficking of women and minors for the purpose

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[3486] Nigerian Federal Ministry of Labour and Productivity official, interview with DOL contractor, March 29, 2005, 17.
[3487] U.S. Department of State, *Country Reports- 2004: Nigeria*, 6d.
[3488] Nigerian Federal Ministry of Labour and Productivity official, interview with DOL contractor, March 29, 2005. See also U.S. Consulate General- Lagos, *reporting*, August 31, 2005.
[3489] *Trafficking in Persons Act*.
[3490] U.S. Department of State, *Country Reports- 2004: Nigeria*, section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Nigeria*.
[3491] The project began in 1999 and is currently in its second phase. See ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase I)*, project document, RAF/01/P53/USA, Geneva, July 1999. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)*. See also U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA)*, summary.
[3492] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme, project document*, 1, 12.
[3493] Sustainable Tree Crops Program, *Program Overview,* [online] January 4, 2006 [cited January 20, 2006]; available from http://www.treecrops.org/aboutstcp/stcp%20program%20overview.pdf.
[3494] U.S. Department of State- INL, *reporting*, November 9, 2005.
[3495] The project is supported by funds from Canada, France and Norway. See UN Office on Drugs and Crime, *Pilot Projects: Technical Cooperation by Geographical Region: Africa,* [online] [cited January 22, 2006]; available from http://www.odccp.org/odccp/trafficking_projects.html.

of commercial sexual exploitation between the two countries.[3496] With funding from the U.S. Department of State and USAID, IOM and local non-governmental organizations have developed and currently operate temporary shelters and training centers in Edo State for returned trafficking victims.[3497]

NAPTIP has been working with other federal ministries, law enforcement and immigration officers, and civil society organizations in 22 states to establish anti-trafficking committees at the state level to sensitize the local populations on the dangers of trafficking in persons.[3498] As of August, NAPTIP had successfully convicted 3 traffickers and had 2 additional cases pending.[3499] NAPTIP is also working with international governments and organizations to establish a center for the maintenance and analysis of records from all agencies and organizations working on TIP issues.[3500]

In June 2005, the Governments of Nigeria and Benin signed a cooperation agreement to prevent, suppress and punish trafficking in persons, with an emphasis on trafficking in women and children.[3501] In March 2005, police rescued more than 100 trafficked children who were concealed in a frozen food truck on its way to Lagos for work as domestic servants. Sixty seven of these children were between the ages of 1 and 14.[3502] In July, police in Cross River State intercepted a bus traveling to Cameroon carrying 40 children destined to be exploited in forced labor situations.[3503]

The Government of Nigeria's "National Economic Empowerment Development Strategy" (NEEDS 2003-2007) sets an institutional and governmental reform agenda for the country. Among other things, the NEEDS seeks to provide a safety net to vulnerable groups and emphasizes the importance of education and the protection of children from all forms of abuse including hazardous work, sexual exploitation, and trafficking.[3504] The

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[3496] UN Office on Drugs and Crime, *Programme of action against trafficking in minors and young women from Nigeria into Italy for the purpose of sexual exploitation*, January 22, 2006; available from http://www.unodc.org/nigeria/en/humantrafficking.html.

[3497] Many women and children trafficked from Nigeria to Europe originate in Edo State. The shelters offer victims temporary housing, counseling, and 6 months of training in literacy and numeracy, and marketable skills such as computer use and tailoring. See USAID, *Trafficking in Persons: USAID's Response*, March, 2004, 5; available from http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/trafficking_in_person_usaids_response_march2004.pdf.

[3498] U.S. Consulate General- Lagos, *reporting,* August 31, 2005.

[3499] Ibid.

[3500] U.S. Embassy- Abuja, *reporting*, February 16, 2005.

[3501] UNICEF, *Benin and Nigeria pledge to fight child trafficking,* June 9, 2005; available from http://www.unicef.org/media/media_27309.html. See also Max Amuchie, *Nigeria, Benin, United against Child Trafficking,* [online] 2005 [cited June 21, 2005]; available from http://allafrica.com/stories/printable/200506201353.html.

[3502] Integrated Regional Information Networks, *Nigeria: Fighting the Many Heads of the Child-Trafficking Beast,* [online] March 21, 2005 [cited May 23, 2005]; available from http://www.irinnews.org/print.asp?ReportID=46202. See also UNICEF, *Nigerian officials rescue more than 100 children from child traffickers,* March 9, 2005; available from http://www.unicef.org/infobycountry/nigeria_25508.html.

[3503] U.S. Consulate General- Lagos, *reporting,* August 31, 2005.

[3504] See Government of Nigeria, *Nigeria: National Economic Empowerment and Development Strategy*, March 2004, 5, 54, 101, 108; available from http://www.nigeria.gov.ng/eGovernment/Needs.PDF. See also

Government of Nigeria's Education strategies include full implementation of the free and compulsory education requirement, decreasing gender gaps in the educational system, and improving the quality of education through teacher reform. In addition, the Government's 2004-2007 Strategic National Education Plan aims to improve the quality of education at all levels.[3505]

In September, the President of Nigeria launched a school feeding program that aimed to provide one meal per school day to 10 percent of all primary school children in the pilot phase of the program. The program aims to increase enrollment and completion rates of children living in poor urban neighborhoods and rural communities.[3506]

UNICEF, in collaboration with the government, has been implementing a Strategy for Acceleration of Girls Education in Nigeria to promote equal access to education for girls.[3507] UNICEF also works to improve enrollment and retention rates, educational attainment and nutritional status in primary schools by focusing on teaching and learning practices.[3508] The Government of Nigeria is implementing a USD 101 million Universal Basic Education Project supported by the World Bank, which aims to improve the quality of schools, increase access to education, and strengthen the Education Management Information System in Nigeria.[3509] USAID funds the Literacy Enhancement Assistance Program (LEAP) which supports teacher training, community participation, and the use of educational data in the development of school budgets and policy in three states (Lagos, Kano, and Nasarawa), as well as youth skills development for unemployed youth in Delta, Lagos, and Kano.[3510]

Daily Champion (Lagos), *Osuji Takes SNEP to UNESCO,* allAfrica, [online] September 29, 2004 [cited October 28, 2004]; available from http://allafrica.com/stories/200409290567.html. See also U.S. Consulate General- Lagos, *reporting,* August 31, 2005.

[3505] Other NEEDS education strategies involve the further development and improvement of the country's vocational education programs. Government of Nigeria, *National Economic Empowerment and Development Strategy*. See also UNESCO, *Nigeria: Minister of Education,* [online] 2004 [cited November 22, 2005]; available from http://www.ibe.unesco.org/International/ICE47/english/MesMOE/messages/nigeria.html.

[3506] Xinhua News Agency, *Nigeria launches school feeding program,* [online] September 26, 2005 [cited September 27, 2005]; available from http://www.reliefweb.int/rw/rwb.nsf/db900SID/KHII-6GM4ZF?OpenDocument.

[3507] UNICEF, *Carol Bellamy Visits Polio's Last stand in Africa,* [online] 2003 [cited July 6, 2005]; available from http://www.unicef.org/media/media_12203.html.

[3508] UNICEF, *UNICEF: At a glance: Nigeria - Statistics,* [online] July 24, 2003 [cited November 22, 2005]; available from http://www.unicef.org/infobycountry/nigeria_statistics.html?q=printme.

[3509] The project began in 2002. See World Bank, *Universal Basic Education Project,* [online] 2004 [cited November 22, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071494.

[3510] The LEAP program operates in primary grades 3-6. USAID, *S03 - Basic Education,* [online] no date [cited November 22, 2005]; available from http://www.usaid.gov/ng/so3.htm.

Oman

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 7/21/2005	
Ratified Convention 182 6/11/2001	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Oman are unavailable.[3511] However, children are known to work in the informal and family-based subsistence agriculture and fishery sectors of the economy.[3512] Bedouin children participated in camel racing for their families as part of their cultural heritage, however, there were no substantiated recent reports of trafficking of foreign children to work as camel jockeys.[3513] UNICEF and the Government of Oman agree that foreign children were not trafficked and employed as camel jockeys. The ILO does not consider the use of child camel jockeys, as practiced in Oman, to be a significant problem.[3514]

Education is free for all children ages 6 to 18 years[3515], but is not compulsory by law.[3516] In order to achieve the goal of education for all, the government provides free transportation to and from school and free textbooks and learning materials to every student.[3517] Additionally, the government and private sector provide assistance, such as support for the purchase of school uniforms, to low income families.[3518] In 2002, the

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[3511] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3512] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Oman*, Washington, D.C., February 28, 2005, Sections 5 and 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41729.htm.

[3513] U.S. Embassy- Muscat, reporting, February 26, 2006. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2005: Oman,* Washington, D.C.,March 8, 2006 , Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2005/61696.htm

[3514] U.S. Department of State, *Country Reports- 2005: Oman*. Section 5. See also U.S. Embassy- Muscat, *reporting*, August 21, 2005.

[3515] UNESCO, *Education for All 2000 Assessment: Country Reports- Oman*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999; available from http://www2.unesco.org/wef/countryreports/oman/contents.html. See also U.S. Department of State, *Country Reports- 2004: Oman*.

[3516] U.S. Embassy- Muscat official, email communication to USDOL official, March 1, 2004. See also U.S. Embassy- Muscat official, email communication to USDOL official, January 7, 2006. Employers typically ask for documentation that young people have completed their basic education through grade 10 before hiring them. See also U.S. Embassy- Muscat, *reporting,* August 23, 2004.

[3517] UNESCO, *EFA Country Report: Oman*, Section II.3.2.1.

[3518] Ministry of Education Sultanate of Oman, *National Report on Quality Education in Oman*, Muscat, 2004, 41.

gross primary enrollment rate was 81 percent and the net primary enrollment rate was 72 percent.[3519] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Oman.[3520] As of 2001, 98 percent of children who started primary school were likely to reach grade five.[3521]

Child Labor Laws and Enforcement

The Oman Labor Law, updated in 2003, establishes a minimum age of 15 years for employment, while minors ages 15 to 18 years are permitted to work only between the hours of 6 a.m. and 6 p.m. Minors are prohibited from working overtime or in certain hazardous occupations.[3522] Employers are prohibited from requiring minors to work on official days of rest or holidays or more than 6 hours per day.[3523] Workplaces that employ minors are required to post certain items for display, including: a copy of the provisions of the law regulating the employment of children; an updated log with the names of minors employed in the workplace with their ages and dates of employment; and a work schedule showing work hours, rest periods, and weekly holidays.[3524]

The worst forms of child labor may be prosecuted under different statutes in Oman. Forced or compulsory labor by children is specifically prohibited by law.[3525] In August 2005, the Ministry of Sport issued a decree to raise the minimum legal age of camel jockeys annually by one year until it reaches 18 in 2009. The current minimum age is set at 14 and rises annually by one year until achieving the 18-year minimum by the 2009 camel racing season.[3526] Under Article 220 of the Penal Code, the enticement of a minor into an act of prostitution is a crime punishable by not less than five years of imprisonment.[3527] There is no specific legal provision prohibiting trafficking in persons,[3528] however, Article 260 of the Penal Code imposes prison sentences of between five and fifteen years to anyone who enslaves a person or places a person in a situation similar to servitude.[3529] The minimum age for voluntary military recruitment is 18.[3530]

[3519] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (*Gross and Net Enrolment Ratios, Primary; accessed December 2005*).
[3520] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[3521] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (*School life expectancy, %of repeaters, survival rates; accessed December 2005*).
[3522] *Oman Labour Law*, Royal Decree no. 35/2003, (April 26, 2003), Article 77.
[3523] *Oman Labour Law,* Articles 76-77. See also U.S. Embassy- Muscat, *reporting*, August 23, 2004, and U.S. Department of State, *Country Reports- 2004: Oman*, Section 5.
[3524] *Oman Labour Law*, Article 78.
[3525] U.S. Department of State, *Country Reports- 2004: Oman*.
[3526] U.S. Embassy- Muscat, *reporting,* August 21, 2005.
[3527] *Article 220 of the Penal Code*; available from http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaOman.asp.
[3528] U.S. Department of State, *Country Reports- 2004: Oman*, Section 5.
[3529] U.S. Embassy- Muscat, *email communication to USDOL official*, August 15, 2006.
[3530] Coalition to End the Use of Child Soldiers, *Global Report 2004 - Oman*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=949.

The Ministry of Manpower is responsible for the enforcement of child labor laws. In practice, most employers will ask prospective employees for a certificate indicating that he or she has completed basic education through grade 10. Considering that children usually begin their basic education at age 6, this means that workers, in most cases, will be age 16 when they begin work.[3531] Registration with the Omani Camel Racing Federation and submission of a passport, photograph, and birth certificate confirming compliance with minimum age laws is required of all persons seeking work as camel jockeys.[3532] While restrictions on the employment of youth are generally followed, enforcement does not always extend to small family businesses, especially those engaged in agriculture and fishing.[3533]

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

The Government has entered into a Country Program of Cooperation with UNICEF for the years 2004-2006. This program features a joint strategy that focuses on improving the well-being of children and families, promoting quality education, child protection, and the development of life-skills and healthy lifestyles among adolescents.[3534]

The Government of Oman, through the Ministry of Education, is working to increase net enrollment among children and improve the education curriculum. The Basic Education initiative aims to replace the existing three-level General Education system with a unified, child-centered system that covers the first 10 years of schooling. This initiative involves curriculum reform in math, science, and life skills for grades 1 through 10 and will provide teacher training to support the process.[3535] This program expanded from 17 public schools in 1998 to 352 for the 2003-2004 school year.[3536] The Government plans to expand the program by about 40 schools per year until all of the country's approximately 1020 public schools are covered.[3537]

[3531] U.S. Embassy Muscat, *reporting,* August 23, 2004.
[3532] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 5, 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm
[3533] U.S. Department of State, *Country Reports- 2004: Oman*, Section 6 d.
[3534] U.S. Embassy- Muscat, *reporting,* August 21, 2005.
[3535] Sultanate of Oman, *National Report*, 25-28.
[3536] Ibid., 16.
[3537] U.S. Embassy- Muscat official, email communication, March 1, 2004.

Pakistan

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 10/11/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Bonded Labor)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Pakistan are unavailable.[3538] The majority of working children are located in rural areas[3539] and engaged in agricultural activities. In urban areas, children mainly work in the informal sector in activities such as street vending, domestic work, auto repair, construction, and assisting in family businesses.[3540] Children working on the streets and in private homes are especially vulnerable to physical and sexual abuse.[3541] Children are also employed in several hazardous sectors, including leather tanning; mining and quarrying; deep-sea fishing; brick-making; rag-picking; carpet-weaving; manufacturing of surgical instruments and glass bangles; and other manufacturing work that involves exposure to dangerous

[3538] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3539] Government of Pakistan, *Information on Efforts to Eliminate the Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Islamabad, August 15, 2005.

[3540] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Pakistan*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41743.htm. See also Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*. News reports indicate that the problem of children working in auto workshops is particularly acute in Peshawar, North West Frontier Province. See IRINnews, "Child labour still widespread in NWFP", IRINnews.org, [online], October 13, 2004 [cited June 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=43644&SelectRegion=Central_Asia&SelectCountry=PAKISTAN. See also Sohail Ahmed, "Rough ride for Pakistan's boy-mechanics", BBC News online, [online], September 30, 2003 [cited December 14, 2005]; available from http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/south_asia/3139382.stm.

[3541] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan*, October 27, 2003, Paragraph 69; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.217.En?OpenDocument.

machinery, electrical wires, and toxic, explosive, or carcinogenic chemicals.[3542] Bonded child labor is still reported to exist in Pakistan in agriculture and in the mining, brick, and carpet-weaving industries, among others.[3543] The commercial sexual exploitation of both boys and girls also continues to be a problem.[3544] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 13.4 percent of the population in Pakistan were living on less than USD 1 a day.[3545]

Boys studying in certain *madrassas*, or religious schools, are recruited, often forcibly, as child soldiers to fight with Islamic militants in Afghanistan and Pakistani-administered Kashmir.[3546] There are reports of girls being used by Pakistani armed groups as well.[3547] Pakistan is a source, transit, and destination country for child trafficking.[3548] Girls, primarily from Bangladesh, India, Burma, Afghanistan, Iran, and various Central Asian countries, are trafficked into Pakistan for the purposes of sexual exploitation, begging, domestic service, and bonded labor. Children are trafficked internally for commercial sexual exploitation and other types of exploitative labor, and Pakistani children are trafficked to Middle Eastern countries, Turkey, and Greece for domestic service, bonded labor, and other purposes.[3549] Recent attention by NGOs and the media and stronger government enforcement have reduced the number of Pakistani boys that are trafficked to Gulf countries to serves as camel jockeys, but the practice persists.[3550]

[3542] U.S. Department of State, *Country Report- 2004: Pakistan*, Section 6d. See also ILO-IPEC, *Supporting the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan*, project document, Geneva, September 17, 2003, 9, Table 2.1.

[3543] U.S. Department of State, *Country Report- 2004: Pakistan*, Sections 5 and 6d. See also Anti-Slavery International, *The Enslavement of Dalit and Indigenous Communities in India, Nepal and Pakistan through Debt Bondage*, London, 2001; available from http://www.antislavery.org/homepage/resources/goonesekere.pdf. See also Ahmad Saleem, *A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector*, ILO, Geneva, March, 2004; available from http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=2583.

[3544] U.S. Department of State, *Trafficking in Persons Report- 2005: Pakistan*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also ECPAT International CSEC Database, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (Pakistan; accessed June 28, 2005).

[3545] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3546] UN Committee on the Rights of the Child, *CRC Concluding Observations (2003)*, Paragraphs 62, 67. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from http://www.child-soldiers.org/resources/global-reports. See also U.S. Senate Foreign Relations Committee, Hearing on U.S. Ratification of the Optional Protocols to the Convention on the Rights of the Child, Testimony of Jo Becker, Human Rights Watch, March 7, 2002; available from http://www.hrw.org/press/2002/03/childsoldiers0307.htm.

[3547] Save the Children UK, *Girls and Conflict - Forgotten Casualties of War*, London, April 27, 2005, I; available from http://www.rb.se/NR/rdonlyres/C0A44378-E6CE-4C74-9EF5-535E673B8FD1/0/GirlsandConflictForgottencasualtiesofwar.pdf.

[3548] U.S. Department of State, *Trafficking in Persons Report- 2005: Pakistan*. See also ECPAT International CSEC Database, (Pakistan).

[3549] U.S. Department of State, *Trafficking in Persons Report- 2005: Pakistan*. See also U.S. Embassy-Islamabad, *reporting*, March 11, 2005.

[3550] Reports indicate that some trafficked children are as young as 3 years of age. U.S. Department of State, *Trafficking in Persons Report- 2005: Pakistan*. See also IRINnews, "Focus on rehabilitation of child camel jockeys", IRINnews.org, [online], June 23, 2005 [cited June 28, 2005]; available from http:www.irinnews.org/report.asp?reportID=47783&SelectRegion=Asia.

On October 8, 2005, a powerful earthquake struck parts of Pakistan, India, and Afghanistan. In Pakistan the provinces of northern Punjab, Northwest Frontier Province (NWFP), and Pakistani-administered Kashmir were particularly hard-hit, with over 73,000 people killed, over 69,000 injured, and 2.8 million left homeless.[3551] According to UNICEF, over half of those killed were children, 17,000 of them in collapsed school buildings in NWFP and Pakistani-administered Kashmir. Thousands of child survivors were orphaned or separated from their families, making them more vulnerable to trafficking and other forms of exploitative child labor.[3552] There were reports that increased numbers of children in the affected areas were working in such activities as domestic service and delivery of goods.[3553]

Some provinces mandate basic education, with varying age requirements, but the federal government has not made basic education compulsory.[3554] The Constitution stipulates that the government "shall remove illiteracy and provide free and compulsory secondary education within a minimum possible period."[3555] Public education is officially free, but students are often charged fees for books, supplies, and uniforms. Rural children often do not have access to schools, and in urban areas many public schools suffer from low education quality and lack of facilities, leading parents to opt for *madrassas* or other private schools.[3556] Even before the earthquake, low levels of public spending on education resulted in poor performance on many education indicators, including literacy and gender disparity.[3557] In 2002, the gross primary enrollment rate was 68 percent and

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[3551] Death and injury estimates are those of the Government of Pakistan; homeless estimates provided by IOM. USAID, *South Asia - Earthquake fact sheet*, Washington, D.C., December 8, 2005; available from http://www.usaid.gov/locations/asia_near_east/south_asia_quake/pdf/12.08.05_south_asia_earthquake_fs29.pdf. UNICEF estimated the death toll at 86,000. See IRINnews, "Interview with UNICEF country representative, Dr. Omar Abdi", IRINnews.org, [online], November 9, 2005 [cited December 14, 2005]; available from http://www.irinnews.org/print.asp?ReportID=50025.

[3552] IRINnews, "Interview with UNICEF representative". See also Basic Education Coalition, *After the Earthquake: Pakistan's Affected Children and Schools*, Washington, D.C., October, 2005. See also En-Lai Yeoh, "Pakistan Earthquake Orphans Thousands", Guardian Unlimited online, [online], October 18, 2005; available from http://www.guardian.co.uk/worldlatest/story/0,1280,-5352482,00.html.

[3553] Suzanna Koster, "UNICEF fears increased child labour in quake area", AlertNet.org, [online], December 6, 2005 [cited December 8, 2005]; available from http://www.alertnet.org/printable.htm?URL=/thenews/newsdesk/ISL254340.htm.

[3554] 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: Pakistan*, April 11, 2003, para. 62; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.65.Add.21.En?OpenDocument. See also UNESCO, *Education: National legislation,* UNESCO, [online] n.d. [cited December 14, 2005]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=12388&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also Sindh Education Department, *Compulsory Primary Education,* Government of Sindh, [online] n.d. [cited December 14, 2005]; available from http://www.sindhedu.gov.pk/Links/cpe.htm.

[3555] *Constitution of the Islamic Republic of Pakistan*, (1973), Article 37; available from http://www.pakistani.org/pakistan/constitution/part2.ch2.html.

[3556] U.S. Department of State, *Country Report- 2004: Pakistan*, Section 5.

[3557] IRINnews, "Bottom of the class - new Asian education report", IRINnews.org, [online], July 14, 2005 [cited September 23, 2005]; available from http://www.irinnews.org/print.asp?ReportID=48131. See also IRINnews, "Low public spending equals low levels of health and education development - report", IRINnews.org, [online], November 2, 2004 [cited December 14, 2005]; available from http://www.irinnews.org/print.asp?ReportID=43960.

in 2000, the most recent year for which data are available, the net primary enrollment rate was 59 percent.[3558] Gross and net enrollment rates are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Pakistan.[3559]

The earthquake demolished the majority of the primary and secondary schools in the region - an estimated 10,000 schools - and school books and supplies were also destroyed. In Muzaffarabad, the capital of Pakistani-controlled Kashmir and the closest city to the quake's epicenter, all of the schools collapsed.[3560] Many teachers were also killed. Some schools have reopened, and some are operating in makeshift tents,[3561] but rebuilding permanent structures will take years.[3562]

Child Labor Laws and Enforcement

The Constitution prohibits employment of children below the age of 14 years in factories, mines, or other hazardous occupations.[3563] The Factories Act of 1934, Shops and Establishments Ordinance of 1969, and the Mines Act of 1923 prohibit the employment of children in certain hazardous situations and processes.[3564] The Employment of Children Act of 1991 prohibits the employment of children under age 15 in 6 specific occupations and 14 specific processes deemed hazardous or exploitative, including working on trains or in railway stations, carpet-weaving, building, and manufacturing cement, explosives, and other products that involve the use of toxic substances.[3565] The Act also prohibits overtime and night work by children (after 7 p.m.); limits the workday of a child to 7 hours; requires a 1-hour break after 3 hours of work and at least one day of rest per week for children; and requires employers to maintain a register of working children. However, children working in family-run enterprises are excluded from these provisions.[3566] The 1995 Employment of Children Rules detail employers' requirements

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[3558] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[3559] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.
[3560] Koster, "Increased child labour in quake area." Some Pakistani citizens' groups have attributed the number of collapsed schools to misallocation of resources in school construction projects. See David Montero, "The Pakistan quake: Why 10,000 schools collapsed," *The Christian Science Monitor* (Boston), November 8, 2005; available from http://www.csmonitor.com/2005/1108/p01s03-wosc.htm.
[3561] Koster, "Increased child labour in quake area."
[3562] IRINnews, "Interview with UNICEF representative."
[3563] *Constitution of Pakistan*, Chapter 1, Article 11(3).
[3564] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. See also Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*.
[3565] *Employment of Children Act*, (June 4, 1991), Sections 2 and 3 (I, II); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01.htm. The UN Committee on the Rights of the Child has expressed concern over variable and contradictory definitions of a "child" in various Pakistani laws. See UN Committee on the Rights of the Child, *CRC Concluding Observations (2003)*, para. 27.
[3566] *Employment of Children Act*, Sections 3, 7, 8, 11.

for maintaining minimum standards of health and safety in a child's working environment.[3567]

The worst forms of child labor may be prosecuted under different statutes in Pakistan. Forced labor is prohibited by the Constitution and by the Bonded Labor System (Abolition) Act of 1992, and those found in violation can face 2 to 5 years of imprisonment and fines of 50,000 rupees (approximately USD 838).[3568] The Constitution and the Prevention and Control of Human Trafficking and Smuggling Ordinance of 2002 prohibit trafficking in persons, and the Ordinance assigns strict penalties for individuals or groups found guilty of engaging in or profiting from such activities.[3569] The *Zina* (Enforcement of *Hudood)* Ordinance prohibits enticing, leading away, concealing, or detaining a female of any age for the purpose of a sexual act.[3570] The Penal Code also criminalizes the procuring of a minor for prostitution, punishable by a fine and up to 10 years of imprisonment, and kidnapping or abduction of a minor under 10 years old, punishable by imprisonment or capital punishment.[3571] The law does not specifically prohibit child pornography, but the Penal Code prohibits circulation of any obscene material, with violations subject to fines and up to 3 months of imprisonment.[3572] There is no compulsory conscription into the Pakistani armed forces. The minimum age for voluntary recruitment is 16 years for technical services only, and 17 years to serve in combat.[3573] In December 2005, President Musharraf issued an ordinance containing

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[3567] *Employment of Children Rules*, (1995); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44242/65005/E95PAK01.htm.

[3568] See *also Bonded Labor System (Abolition) Act of 1992*, as cited in ILO NATLEX National Labor Law Database, http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=PAK&p_classification=03&p_origin=COUNTRY (Bonded Labour System (Abolition) Act of 1992 (abstract); accessed October 1, 2005). See also *Constitution of Pakistan*, Chapter I, Article 11 (2). See also ILO-IPEC, *National Legislation and Policies Against Child Labour in Pakistan,* [online] March 21, 2005 [cited June 29, 2005]; available from http://www.ilo.org/public/english/region/asro/newdelhi/ipec/responses/pakistan/national.htm. For currency conversion, see FXConverter, [database online] [cited June 30, 2005]; available from http://www.oanda.com/convert/classic.

[3569] *Constitution of Pakistan*, Article 11(2). See also *Prevention and Control of Human Trafficking and Smuggling Ordinance (No. 54 of 2002),* as cited in U.S. Department of State, *Country Report- 2004: Pakistan*, Section 5. See also ILO-IPEC, *National Legislation and Policies*. Under the Ordinance, trafficking is punishable by fines and 7 to 14 years of imprisonment. See also U.S. Embassy- Islamabad, *reporting*, March 11, 2005.

[3570] The term *zina* refers to sexual acts outside of marriage. The ordinance is part of a body of law known as the Hudood Ordinances, which also cover certain crimes against property. See (Enforcement of *Hudood*) *Zina (Enforcement of Hudood) Ordinance,* as cited in ECPAT International CSEC Database, (Pakistan). See also U.S. Embassy- Islamabad, *reporting*, March 11, 2005. See also World Organization Against Torture, *Rights of the Child in Pakistan: Report on the implementation of the Convention on the Rights of the Child by Pakistan*, Geneva, May, 2003; available from http://www.omct.org/pdf/cc/pakistan_report_09_2003_en.pdf. See also Amnesty International Asia-Pacific Regional Office, *Hudood Ordinaces- The Crime And Punishment For Zina [sic],* [online] n.d. [cited January 18, 2006]; available from http://asiapacific.amnesty.org/apro/APROweb.nsf/pages/svaw_hudoo.

[3571] *Pakistan Penal Code*, Articles 372, 373, and 364(A), as cited in World Organization Against Torture, *Rights of the Child in Pakistan*. See also UN Committee on the Rights of the Child, *CRC Second Periodic Report of States Parties (2003)*, Paragraph 104. See also ECPAT International CSEC Database, (Pakistan).

[3572] ECPAT International CSEC Database, (Pakistan).

[3573] Coalition to Stop the Use of Child Soldiers, *Child Soldiers 2004*.

specific accountability requirements for *madrassas* in the federal capital, in an effort to combat the promotion of militancy in certain religious schools.[3574]

Since 1999, the Government of Pakistan has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3575] With technical assistance from ILO-IPEC, the Ministry of Labor convened a tripartite committee in September 2002 that identified 29 occupations as hazardous for workers under age 18, including mining, stone crushing, ship breaking, deep-sea fishing, manufacturing glass bangles, fireworks, and tobacco, work with heavy machinery or live electrical wires, and work between the hours of 10 p.m. and 8 a.m.[3576]

Child labor laws are enforced by provincial governments through the labor inspectorate system,[3577] and violations can result in a maximum 1-year prison term and/or a fine of 20,000 rupees (approximately USD 335).[3578] However, the U.S. Department of State reports that enforcement of these laws is weak due to an inadequate number of inspectors, lack of training and resources, corruption, and the exclusion of many small businesses from the inspectorate's jurisdiction. Employers found in violation of child labor laws often are not penalized, or the fines levied by the courts are too low to act as a deterrent.[3579] The Anti-Trafficking Unit of the Federal Investigation Agency (FIA) has primary responsibility for enforcing trafficking-related laws.[3580] According to the U.S. Department of State, Pakistan has made significant recent improvements in enforcement, with higher numbers of trafficking-related case registrations, arrests, court cases, and convictions.[3581]

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

Since 2000 the Government of Pakistan and provincial-level governments have been implementing a National Policy and Action Plan to Combat Child Labor (NPPA) that calls for immediate eradication of the worst forms of child labor and the progressive

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[3574] Muralidhar Reddy, "More restrictions on madrasas", The Hindu online, [online], December 3, 2005 [cited December 9, 2005]; available from http://www.thehindu.com/2005/12/03/stories/2005120305611400.htm.
[3575] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3576] ILO-IPEC, *Time-Bound Program in Pakistan, project document*, 34-35. See also Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*. The National Committee on the Rights of the Child has recommended the inclusion of five additional sectors in the list, but the government has not yet approved any additions. See ILO-IPEC, *Supporting the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan*, technical progress report, Geneva, September 12, 2005, 2.
[3577] Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*, 1.
[3578] *Employment of Children Act, Section 14.* For currency conversion see FXConverter.
[3579] U.S. Department of State, *Country Report- 2004: Pakistan*, Section 6d.
[3580] Ibid., Section 5. See also U.S. Embassy- Islamabad, *reporting*, March 11, 2005.
[3581] U.S. Department of State, *Trafficking in Persons Report- 2005: Pakistan*. Government and security officials have been implicated in trafficking and during 2004, 17 public officials were prosecuted and 3 FIA inspectors were arrested for involvement in facilitating trafficking. See U.S. Embassy- Islamabad, *reporting*, March 11, 2005.

elimination of child labor from all sectors of employment. The NPPA further seeks to prevent children from entering the work force by offering educational alternatives.[3582] The government's 2003 Poverty Reduction Strategy Paper (PRSP) reiterates the government's commitment to the NPPA, and incorporates the reduction of child labor into its target-setting process.[3583] The National Commission for Child Welfare and Development is coordinating the National Project on the Rehabilitation of Child Laborers, which is focused on withdrawing children from hazardous employment and providing rehabilitative services.[3584] The project is being implemented by "Pakistan Bait-up-Mal," an agency of the Ministry of Social Welfare, which was operating over 100 National Centers for the Rehabilitation of Child Labor as of February 2005. The centers assist in removing children from hazardous work environments and providing non-formal education; school uniforms and other clothing; books; medical care; stipends to children; and stipends to families for income generation activities.[3585]

The provincial Labor Departments of Punjab, Sindh and NWFP have established Child Labor Resource Centers, and the provincial government of Balochistan has established a Child Labor Vigilance Cell, each for the purposes of providing a focal point for information and data on child labor; forging networks of social partners to combat child labor; and working with the media to disseminate information on efforts to combat child labor.[3586] Punjab has also established a Child Protection Welfare Bureau to provide protective and rehabilitative services to street children and many of the trafficked child camel jockeys who have been repatriated from the Middle East.[3587]

The National Committee on Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers oversees the implementation of the National Policy and Plan of Action for the Abolition of Bonded Labor,[3588] with support from the ILO.[3589] The government has established a fund of 100 million rupees (approximately USD 1.7 million) to educate working children and freed bonded laborers; three new projects were approved from this fund in May, 2005.[3590] With support from IOM, the FIA has trained Anti-Trafficking

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[3582] Government of Pakistan, *National Policy and Action Plan to Combat Child Labour*, Government of Pakistan, Ministry of Labour, Manpower and Overseas Pakistanis, Islamabad, May 20, 2000, 11. See also Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*.
[3583] ILO-IPEC, *National Legislation and Policies*.
[3584] UN Committee on the Rights of the Child, *CRC Second Periodic Report of States Parties (2003)*, Paragraph 21. See also ILO-IPEC, *National Legislation and Policies*.
[3585] ILO-IPEC, *Combating Child Labor in the Carpet Industry in Pakistan - Phase II*, technical progress report, Geneva, September 13, 2004, 3. See also ILO-IPEC, *Combating Child Labor in the Carpet Industry in Pakistan - Phase II*, technical progress report, Geneva, March 19, 2005, 2. See also Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*.
[3586] Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*.
[3587] ILO-IPEC, *Timebound Programme, technical progress report (September 2005)*, 2.
[3588] ILO-IPEC, *Supporting the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan*, Geneva, March 9, 2004, 3.
[3589] ILO, *Combating bonded labour in rural Pakistan*, ILO, [online] September 14, 2004 [cited June 30, 2005]; available from http://www.ilo.org/public/english/bureau/inf/features/04/pakistan.htm.
[3590] Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*. For currency conversion, see FXConverter.

Unit staff to identify and investigate trafficking cases.[3591] Also in collaboration with IOM, the government has trained law enforcement officials at national and provincial levels to recognize, apprehend, and prosecute traffickers; piloted a model shelter for trafficking victims under Islamabad Capitol Police protection; and implemented public awareness-raising campaigns on trafficking.[3592] In 2005, the FIA established a task force to focus on human trafficking in border and coastal areas.[3593]

In 2005, the Ministry of Labor, Manpower, and Overseas Pakistanis signed a 5-year extension of its Memorandum of Understanding with ILO-IPEC, through 2009.[3594] The government is participating in a USDOL-funded ILO-IPEC Time-Bound Program through 2007, designed to remove and rehabilitate child workers from several target sectors including glass bangle manufacturing, surgical instrument manufacturing, tanning, coal mining, scavenging, deep-sea fishing, and seafood processing.[3595] In addition, with support from the Swiss, Norwegian, Italian, German, and Danish governments and other donors, ILO-IPEC is implementing several other child labor projects in Pakistan. These include targeted projects to assist vulnerable groups such as trafficked children, child domestic workers, and children in the carpet-weaving sector, and a project that utilizes the electronic and print media to raise awareness of child labor.[3596] With support from USDOL, Save the Children-UK is implementing two child labor projects in collaboration with the government. The first is the USD 5 million "Addressing Child Labor through Quality Education for All" project, which aims to withdraw children from hazardous labor in Punjab province and provide them with education and training.[3597] The second is the USD 4 million "Mitigating Child Labor through Education" project, which aims to withdraw children from hazardous work and provide educational services in the provinces of Balochistan, NWFP, and the Federally Administered Tribal Areas (FATA).[3598]

Immediately following the October 2005 earthquake, the government and international organizations took steps to prevent vulnerable children from falling into exploitative child labor. A 6-month ban on the adoption of children was imposed, and relocation of

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[3591] IOM staff, email communication to USDOL official, June 29, 2005. See also U.S. Department of State, *Country Report- 2004: Pakistan*, Section 5. See also U.S. Embassy- Islamabad, *reporting*, March 11, 2005.
[3592] IOM staff, email communication, June 29, 2005.
[3593] ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, technical progress report, Geneva, September 12, 2005, 5.
[3594] ILO-IPEC, *Carpet Industry Project - Phase II, technical progress report (March 2005)*, 2.
[3595] ILO-IPEC, *Time-Bound Program in Pakistan, project document*, 32, 77-79.
[3596] ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, February, 2005; available from http://www.ilo.org/iloroot/docstore/ipec/prod/eng/implementation_2004_en.pdf. See also Government of Pakistan, *Efforts to Eliminate the Worst Forms of Child Labour*.
[3597] Save the Children - UK, *Addressing Child Labour through Quality Education for All*, technical progress report, London, September 10, 2005.
[3598] International Child Labor Program, *ICLP Projects Funded in FY 2005,* U.S. Department of Labor, [online] n.d. [cited December 16, 2005]; available from http://www.dol.gov/ilab/programs/iclp/projectchart05.htm.

children from the affected zones was restricted.[3599] The Ministry of Social Welfare (MOSW) established Child Care and Rehabilitation centers with the capacity to provide shelter, education, health care, and psychosocial services to 3,800 quake-affected children. UNICEF is working with MOSW to register all children in emergency settlements in the affected areas. MOSW is further collaborating with the National Database Registration Authority, as well as the International Committee of the Red Cross and other NGOs, on a comprehensive strategy to find missing children and to assist children who were orphaned, injured, and separated from their families in the disaster.[3600] In addition to committing over USD 63 million in earthquake humanitarian assistance and relief,[3601] USAID funded the International Rescue Committee to implement child protection programs in certain quake-affected areas.[3602] The ILO integrated child protection programs into its earthquake response, to prevent children from being trafficked or from falling into hazardous work.[3603]

In 2003, the Ministry of Education set a goal of universal primary education by 2015 as part of its National Plan of Action for Education for All (EFA). The National Plan of Action makes primary education its top priority, and its objectives include improving basic education quality, promoting community participation in basic education, and reaching disadvantaged populations, particularly out-of-school and illiterate girls.[3604]

Administration of the Pakistani education system is largely carried out at the provincial and district levels.[3605] Punjab, Pakistan's most populous province, has actively pursued an Education Sector Reform (ESR) program, continuing efforts to improve education access, quality, and governance and to stem the flow of dropouts. Efforts include providing free textbooks; hiring 29,000 additional teachers and over 30,000 support teachers; providing stipends for girls in primary school and for parents of female students; and renovating schools.[3606] In 2004, the Punjabi government provided free school books to primary school children grades 1 to 5, resulting in 13 percent increased

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[3599] IRINnews, "UNICEF and government start child registration", IRINnews.org, [online], November 1, 2005 [cited December 14, 2005]; available from http://www.irinnews.org/print.asp?ReportID=49883. See also Yeoh, "Earthquake Orphans".
[3600] IRINnews, "Child registration."
[3601] USAID, *South Asia - Earthquake fact sheet*.
[3602] USAID, *South Asia Earthquake 2005: Human Toll (map),* USAID, [online] December 8, 2005 [cited December 14, 2005]; available from http://www.usaid.gov/locations/asia_near_east/south_asia_quake/pdf/USAID_pakistan_EQ_12.14.05.pdf.
[3603] International Labor Organization, *ILO helps Pakistan earthquake survivors find work and income*, press release, Geneva, November 8, 2005; available from http://www.ilo.org/public/english/region/asro/bangkok/public/releases/yr2005/pr05_27.htm.
[3604] Government of Pakistan, *National Plan of Action on Education for All (2001-2015)*, Islamabad, August, 2002, Executive Summary and Part 2.1.2; available from http://portal.unesco.org/education/en/file_download.php/0e2791ddb4f9f4a0b56b89cd0dc49defPAKEFA.pdf. See also ILO-IPEC, *National Legislation and Policies*.
[3605] ILO-IPEC, *Time-Bound Program in Pakistan, project document*, 1, 18.
[3606] ILO-IPEC, *Carpet Industry Project - Phase II, technical progress report (March 2005)*, 4. See also IRINnews, "Focus on improving basic education in Punjab", IRINnews.org, [online], 2005 [cited April 11, 2005]; available from http://www.irinnews.org/report.asp?ReportID=46562&SelectRegion=Asia&SelectCountry=PAKISTAN.

enrollment; books will be provided through grade 8 for the coming school year.[3607] Further, in light of ongoing critical needs in its education system, in March, 2005, the World Bank announced a credit of USD 100 million to Punjab to enhance quality and access to education, strengthen education system accountability, and strengthen parental participation.[3608] The provincial governments of NWFP and Balochistan have begun work to replicate Punjab's successful ESR model.[3609] In addition, the ADB is supporting projects to restructure technical and vocational training in NWFP and Balochistan.[3610]

In an effort to rehabilitate the education system after the earthquake, the Pakistani Army and relief organizations instituted makeshift schools in temporary shelters. USAID also continued to fund a number of initiatives focused on the education sector. These include a 5-year, USD 60 million bilateral agreement with the government to implement programs to support Education Sector Reform and increase access to quality education, with a particular focus on the Balochistan and Sindh provinces,[3611] and a project co-financed with the Government of Japan to construct 130 public schools in the FATA.[3612]

[3607] ILO-IPEC, *Carpet Industry Project - Phase II, technical progress report (March 2005).*

[3608] World Bank, *World Bank Approves US $100 Million to Enhance Quality an Access to Education in Punjab,* World Bank Group, [online] March 29, 2005 [cited June 28, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,print:Y~isCURL:Y~contentMDK:20419533~menuPK:34470~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

[3609] Save the Children - UK, *ACL-QEFA, technical progress report (September 2005)*, 4.

[3610] ADB, *Project Profiles: Pakistan; accessed June 30, 2005*; available from http://www.adb.org/Documents/Profiles/ctry.asp?ctry=23.

[3611] USAID, *Education Sector Reform Assistance,* USAID, [online] April 8, 2005 [cited June 30, 2005]; available from http://www.usaid.gov/pk/program_sectors/education/projects/education_sector_reform_assistance.shtml.

[3612] USAID Pakistan, *Update on USAID Activities in the Federally Administered Tribal Agencies (FATA),* USAID, [online] July 15, 2005 [cited December 14, 2005]; available from http://www.usaid.gov/pk/mission/news/fata.htm.

Panama

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/31/2000	
Ratified Convention 182	10/31/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

The Panama Census and Statistics Directorate estimated that 3.6 percent of children ages 5 to 14 years were working in Panama in 2000.[3613] Many working children in Panama live in rural areas and are engaged in agricultural activities.[3614] Rates of work also tend to be higher among indigenous than non-indigenous children.[3615] Children work in subsistence agriculture as well as on commercial farms that produce sugar cane, coffee, watermelons and other melons, tomatoes, and onions.[3616] There are conflicting reports as to whether children work in the banana sector.[3617] Some children, including children from indigenous communities in Panama, migrate with their families to other regions of the country and to Costa Rica to participate in crop harvests.[3618] Child labor is one of many problems associated with poverty. In 2000, 7.2 percent of the population in Panama were living on less than USD 1 a day.[3619]

[3613] Census and Statistics Directorate, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, ILO-IPEC, May, 2003, 50; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/panama/report/pa_situ_2003.pdf. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3614] Ibid., 52, 85, 91.

[3615] Ibid., 53.

[3616] Creative Associates International, *Destino: Combating Exploitive Child Labor through Education in Panama, project document*, Washington, DC, August 16, 2004, 2, 4. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Panama*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41769.htm. See also Creative Associates International, *Destino: Combating Exploitive Child Labor through Education in Panama*, technical progress report, Panama City, March 14, 2005, 3. See also Ambassador of Panama Frederico Humbert, *written communication*, first response submitted per U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, August 22, 2005.

[3617] U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d. See also Creative Associates International, *Destino: Project Document*, 4.

[3618] See ILO-IPEC, *Informe Final sobre el Estudio Diagnóstico de la Dimensión, Naturaleza, y Entorno Socioeconómico del Trabajo Infantil y de la Adolescencia Trabajadora en el sector del café en la Provincia de Chiriquí*, September 2002, 24, 27.

[3619] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

Children are also found working in urban areas in Panama, especially in the informal sector.[3620] Children work in supermarkets bagging groceries in return for tips.[3621] They engage in street vending, work in urban markets and trash dumps, and work as assistants for bus drivers.[3622] Children in Panama also work as domestic servants in third-party homes.[3623]

Children are engaged in prostitution in Panama.[3624] Panama is a source and destination country for children trafficked for commercial sexual exploitation. Children are trafficked within Panama and from Colombia for sexual exploitation. In addition, some child domestic servants may be trafficking victims. There are also reports that insurgent and paramilitary groups from Colombia have forcibly conscripted children from Panama's border region with Colombia.[3625]

In Panama, education is compulsory through the equivalent of ninth grade and free through high school, although fees may be charged after ninth grade.[3626] The government does not cover transportation costs, however, which is a barrier for children from some rural communities to access secondary education.[3627] In 2002, the gross primary enrollment rate was 112 percent and the net primary enrollment rate was 100 percent.[3628] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. According to the Panama Census and Statistics Directorate, 15.1 percent of children ages 5 to 17 did not attend school in 2000.[3629] As of 2001, 90 percent of children who started primary school were likely to reach grade five.[3630] Compared to national averages, school attendance is lower among older children in rural areas and children from

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[3620] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 3.
[3621] See U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.
[3622] Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 86. See also ILO-IPEC, *Estudio para la determinación de línea de base trabajo infantil y adolescente peligroso en áreas urbanas de los distritos de Panamá y San Miguelito de la Provincia de Panamá: Informe Final*, Panama City, May 13, 2004, 4. See also U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.
[3623] ILO-IPEC, *Trabajo infantil doméstico en Panamá*, September 2002, 17.
[3624] U.S. Department of State, *Country Reports- 2004: Panama*, Section 5. See also ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá* (2002), 128.
[3625] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm.
[3626] *Political Constitution of Panama*, (1994), Article 91; available from http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html. See also U.S. Department of State, *Country Reports- 2004: Panama*, Section 5.
[3627] U.S. Embassy- Panama, *reporting*, October 29, 2002.
[3628] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[3629] Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 64-65.
[3630] UNESCO INstitute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

indigenous communities.[3631] Many indigenous families migrate from their impoverished communities to work in crop harvests, interrupting their children's schooling.[3632]

Child Labor Laws and Enforcement

The Constitution of Panama, the Family Code, and the Labor Code set the minimum age for employment at 14 years of age. The Constitution specifically prohibits children from engaging in domestic service before the age of 14. In addition, children who have not completed primary school may not begin work until 15 years of age.[3633] The law permits children ages 12 to 14, however, to perform farm labor as long as the work is light and does not interfere with schooling.[3634] The ILO's Committee of Experts on the Application of Conventions and Recommendations has noted that Panamanian law does not provide clear regulations for the kind of farm labor in which 12 to 14 year olds may engage.[3635]

The law prohibits youth ages 14 to 18 from engaging in potentially hazardous work or work that would impede their school attendance. The law identifies a number of such hazardous forms of work, including work with electric energy, explosives, flammables, and toxic or radioactive substances; work underground; work on railroads, airplanes, or boats; and work in nightclubs, bars, and casinos. Some of these types of work are allowed if the work is performed as part of a training program.[3636] Youth younger than 16 may work no more than 6 hours a day or 36 hours per week, while those 16 and 17 years of age may work no more than 7 hours per day or 42 hours per week. Children under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.[3637] Businesses that employ an underage child are subject to civil fines, while employers who endanger the physical or mental health of a child can face 2 to 6 years of imprisonment.[3638]

There are different statutes under which the worst forms of child labor can be prosecuted in Panama. The Labor Code prohibits forced labor by children.[3639] Panama does not have armed forces, and therefore has no laws regulating age of conscription.[3640]

[3631] Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 65, 68.
[3632] U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.
[3633] *Constitution of Panama*, Article 66. See also Government of Panama, *Código de la familia*, (1994), Article 508, 509. See also Government of Panama, *Código del Trabajo (annotated)*, Article 117. See also Government of Panama, *Supreme Court Decision*, (November 30, 1995).
[3634] *Código de la familia*, Article 716.
[3635] ILO-CEACR, *Direct Request, Minimum Age Convention, 1973 (No. 138) Panama,* [online] 2003 [cited July 1, 2005]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN.
[3636] *Código del Trabajo (annotated)*, Article 118. See also *Código de la familia*, Article 510. and art. 511.
[3637] *Código del Trabajo (annotated)*, 120, 122.
[3638] U.S. Embassy- Panama City, *reporting*, October 5, 2001.
[3639] U.S. Department of State, *Country Reports- 2004: Panama*, Section 6c.
[3640] *Constitution of Panama*, Article 305. See also Coalition to Stop the Use of Child Soldiers, "Panama," in *Child Soldiers Global Report 2004* London, 2004; available from http://www.child-soldiers.org/document_get.php?id=834.

The Penal Code provides for a range of penalties for engaging in the prostitution of minors, varying from 4 to 12 years of imprisonment and fines depending on the crime and the age of the victim.[3641] Production or distribution of child pornography is punishable by 4 to 6 years in prison and fines.[3642] The Penal Code also includes penalties for involvement in sex tourism in which children are victims. Those found guilty of such crimes are subject to 5 to 8 years in prison and fines.[3643] The Penal Code likewise contains prohibitions against trafficking of minors for sexual purposes, which include 8 to 10 years in prison and fines.[3644] Since 1999, the Government of Panama has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3645]

The Ministry of Labor, through its Child Labor Unit, is responsible for enforcing child labor laws.[3646] As of August 2004, the Child Labor Unit had seven full-time staff members, and received assistance from 10 to 15 additional inspectors for child labor raids.[3647] However, the government acknowledges that lack of staff has prevented it from inspecting and enforcing some child labor provisions in rural areas.[3648]

Children may file complaints about possible violations of their rights with the National Council for Children and Adolescents Rights, the Children's Delegate in the Ombudsperson's Office or the Ministry of Social Development (formerly the Ministry of Youth, Women, Children, and Family). The UN Committee of the Rights of the Child, however, has expressed concern that there is a lack of access to and coordination among these bodies.[3649] The Ministry of Justice, Ministry of Government, and the Attorney General's office are involved in combating trafficking, and the Technical Judicial Police has a special section for crimes involving commercial sexual exploitation of children.[3650] In March, the Attorney General's office ordered the detention of officers in the National Police for offenses related to sex trafficking of children.[3651]

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

During 2005, the Government of Panama reorganized the country's existing Committee for the Eradication of Child Labor and Protection for Working Minors to encourage

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[3641] Government of Panama, *Código Penal, as amended by Ley No. 16*, (March 31, 2004), Articles 228-230.
[3642] Ibid., Article 231D.
[3643] Ibid., Article 231G.
[3644] Ibid., Article 231A.
[3645] ILO - IPEC official, email communication to USDOL official, November 14, 2005.
[3646] U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.
[3647] U.S. Embassy- Panama City, *reporting,* August 24, 2004.
[3648] U.S. Department of State, *Country Reports- 2004: Panama*, Section 6d.
[3649] UN Commitee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 30, 2004, 3.
[3650] U.S. Department of State, *Country Reports- 2004: Panama*, Section 5.
[3651] U.S. Department of State, *Trafficking in Persons Report*.

greater public and private sector participation.[3652] The committee continued to work to develop a National Child Labor Action Plan, but at year's end, the plan had not been completed.[3653]

During the year, the government implemented a 12-year National Strategic Plan on Children and Adolescents (2003-2015), which includes strategies to address child labor and the sexual exploitation of children.[3654] The eradication of child labor is also being considered in an anti-poverty system being developed by a government ministers' working group.[3655] In February 2005, a new anti-trafficking commission was established. The commission has the authority to collect a tax to pay for services for victims of commercial sexual exploitation and trafficking, but at year's end, the tax had not been implemented.[3656]

The government is participating in a USD 1 million ILO-IPEC program funded by USDOL that aims to combat child labor in the rural and urban informal sectors.[3657] Panama is also part of a USDOL-funded USD 8.4 million regional ILO-IPEC project to combat commercial sexual exploitation of children and another USDOL-funded USD 3 million regional ILO-IPEC project to combat exploitative child labor in agriculture.[3658] The government is also collaborating in a USD 3 million project funded by USDOL and implemented by Creative Associates International to combat child labor through education in Panama.[3659] Through a Canadian-funded ILO-IPEC project that ended in 2005, the National Committee for the Eradication of Child Labor and Protection for Working Minors and the Ministry of Labor coordinated with ILO-IPEC to remove the most vulnerable children from domestic work.[3660]

The Ministry of Social Development operates centers that provide assistance to children engaged in exploitative child labor. It also operates a foster family program and provides support to shelters that are operated by the NGO Casa Esperanza.[3661] The ministry also

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[3652] Government of Panama, *Document on Child Labor in Panama*, second response submitted per U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", November 9, 2005, 5.
[3653] ILO-IPEC., *Country Program for Combating the Worst Forms of Child Labor in Panama, technical progress report*, Geneva, March 2005, 7.
[3654] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, *technical progress report*, Geneva, March 2004, 2.
[3655] ILO-IPEC., *Country Program, technical progress report*, 2.
[3656] U.S. Department of State, *Trafficking in Persons Report*.
[3657] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*.
[3658] ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Geneva, September 2005. See also ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, September 2003.
[3659] Creative Associates International, *Destino: Project Document*.
[3660] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 8. See also ILO-IPEC official, email communication to USDOL official, November 8 2005.
[3661] National Director for Childhood Dr. Maribel López de Lobo, letter to U.S. Department of State official, August 26, 2004. See also Casa Esperanza, *Propuesta para la Implementación del Programa de Acción Directa Urbana para Contribuir a la Erradicación del Trabajo Infantil en los Distritos de Panamá y San*

works to locate and assist children engaged in child labor in garbage dumps and other sectors, and provide them with services. The ministry worked with approximately 50 children per month during 2005 under the Safe Steps Program, which provides educational reinforcement, meals, and psychological services, among other benefits.[3662]

During 2005, the government continued to implement its 10-year strategy for education (1997-2006), which, although not specifically focused on child labor, is intended to address issues that may serve as barriers to working children's access to basic education, such as low quality and relevance of education.[3663] The Ministry of Social Development carried out the Educational Promotion Program, which provides financial support so that poor families can send children to school.[3664] Panama's Ministry of Education works with Casa Esperanza to implement a program in the provinces of Panama City and Colón titled "In Search of a Better Tomorrow," which encourages children to complete primary school.[3665] UNICEF is implementing a "community schools" program in the province of Chiriquí to discourage parents from sending children to work on coffee plantations.[3666] The World Bank is providing a loan of USD 35 million for a project that runs through 2007 to help the government improve the quality and accessibility of basic education and build capacity in the Ministry of Education.[3667]

Miguelito, n.p., August 2004, 34. See also U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Panama*, Section 5.

[3662] Ambassador of Panama Frederico Humbert, *written communication*.

[3663] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 7.

[3664] Ambassador of Panama Frederico Humbert, *written communication*.

[3665] U.S. Embassy- Panama City, *reporting,* August 24, 2004.

[3666] UNICEF, *At a glance: Panama,* [online] [cited June 29, 2005]; available from http://www.unicef.org/infobycountry/panama_25197.html.

[3667] World Bank, *Basic Education Project (02),* June 20, 2003 [cited June 29, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P052021.

Papua New Guinea

Selected Child Labor Measures Adopted by Governments		
Ratified ILO Convention 138	6/02/2000	
Ratified ILO Convention 182	6/02/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Papua New Guinea are unavailable.[3668] Children work as domestic servants,[3669] in subsistence agriculture, and in family-related businesses.[3670] It has been reported that children work in the commercial agriculture sector, including on tea and coffee farms.[3671] Children are also exploited in prostitution.[3672]

Education is not compulsory or free in Papua New Guinea.[3673] In 2002, the gross primary enrollment rate was 75 percent and the net primary enrollment rate was 74 percent.[3674] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school

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[3668] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3669] UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties Under Article 44 of the Convention, Concluding Observations: Papua New Guinea*, CRC/C/15/Add.229, February 26, 2004, para. 57.

[3670] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Papua New Guinea*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41656.htm.

[3671] Pacific Islands Report, *Child Labor Claimed at PNG Highlands Tea and Coffee Plantations,* Post-Courier/PINA Nius Online, [online] 2000 [cited August 9, 2005]; available from http://166.122.164.43/archive/2000/March/03-23-14.htm.

[3672] UN Committee on the Rights of the Child, *Consideration of Reports: Papua New Guinea*, para. 59. See also ECPAT International, *Papua New Guinea,* ECPAT, [database online] 2003 [cited August 8, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. The commercial sex sector, while still relatively undeveloped, is expanding, particularly in urban areas. See John C. Caldwell and Geetha Isaac-Toua, *AIDS in Papua New Guinea: Situation in the Pacific* (Canberra: National Centre for Epidemiology and Population Health of Australian National University, 2002), 104-111. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Papua New Guinea*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27785.htm.

[3673] UN Committee on the Rights of the Child, *Summary Record (Partial) of the 934th Meeting: Papua New Guinea*, CRC/C/SR.934, January 2004, para. 4; available from http://www.unhchr.ch. See also U.S. Department of State, *Country Reports- 2003: Papua New Guinea*, Section 5.

[3674] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

attendance. Recent primary school attendance statistics are not available for Papua New Guinea. As of 2001, 69 percent of children who started primary school were likely to reach grade give.[3675] In rural areas, the lack of access to schools reportedly contributes to low enrollment.[3676]

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for employment at 18 years, but children ages 11 to 18 may work in family businesses with parental permission, medical clearance, and a work permit from the labor office.[3677] Any work by children between the ages of 11 and 16 must not interfere with school attendance.[3678]

The worst forms of child labor may be prosecuted under different statutes in Papua New Guinea. The Constitution prohibits forced labor.[3679] The Criminal Code prohibits procuring, luring, or abducting women or girls for sexual relations or for confinement in a brothel.[3680] The Department of Labor and Industrial Relations and the Department of Police are responsible for implementing and enforcing child labor laws;[3681] however, the U.S. Department of State reports that enforcement by those departments has been poor.[3682] Children perceived as gang members, street vendors, child sex workers and boys engaged in homosexual conduct are subjected to police violence.[3683] There is no compulsory military service in Papua New Guinea; the minimum age for voluntary military service is 16.[3684]

[3675] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3676] ADB, *Millennium Development Goals in the Pacific: Relevance and Progress*, March 2003, 25; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf. Children may have to spend several hours a day walking to and from school. See also UNICEF, *Real Lives: An Identity for Joe's Booboo - Birth Registration in Papua New Guinea,* [online] October 7, 2002 [cited August 8, 2005]; available from http://www.unicef.org/infobycountry/papuang_1612.html.
[3677] U.S. Department of State, *Country Reports- 2003: Papua New Guinea*, Section 6d.
[3678] U. S. Embassy- Port Moresby, *reporting*, September 14, 2005.
[3679] *Constitution of the Independent State of New Guinea*; available from http://www.paclii.org/pg/legis/consol_act/cotisopng534/.
[3680] The section on abduction specifies that this applies to girls under the age of 18. See U. S. Embassy- Port Moresby, *reporting*.
[3681] *Papua New Guinea Criminal Code,* as cited in The Protection Project Legal Library, [database online]; available from http://209.190.246.239/protectionproject/statutesPDF/PapuaNewGuineaF.pdf.
[3682] U. S. Embassy- Port Moresby, *reporting*.
[3683] Human Rights Watch, *Papua New Guinea: Epidemic of Police Brutality Against Children*, press release, Port Moresby, September 1, 2005; available from http://hrw.org/english/docs/2005/08/31/png11659_txt.htm.
[3684] ECPAT International, *Papua New Guinea*. http://www.child-soldiers.org/document_get.php?id=874.

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

The Government of Papua New Guinea has a "National Child Protection Service" to combat the commercial sexual exploitation of children.[3685] UNICEF, with the support of the government, is also implementing a child protection program that includes advocacy for the elimination of the worst forms of child labor, with a particular focus on commercial sexual exploitation. In addition, UNICEF is working to promote girls' access to basic education through education reform activities and awareness-raising about the value of schooling.[3686] The Government of Papua New Guinea is implementing education sector reforms aimed at increasing children's access to education.[3687] AusAID currently supports government reform efforts through basic education projects that aim to improve teacher training, build and renovate classrooms, provide equipment and textbooks, and promote teaching in local languages.[3688]

[3685] See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, para. 59; available from http://www.child-soldiers.org/document_get.php?id=838.
[3686] UN Committee on the Rights of the Child, *Consideration of Reports: Papua New Guinea*.
[3687] UNICEF, *At A Glance: Papua New Guinea,* [online] 2004 [cited May 28, 2004]; available from http://www.unicef.org/infobycountry/papuang.html.
[3688] UN Committee on the Rights of the Child, *Press Document: Committee on Rights of the Child Considers Initial Report of Papua New Guinea,* [online] 2004 [cited February 10, 2004], 17, 19; available from http://www.unog.ch/news2/documents/newsen/crc04009e.htm. See also Australian Agency for International Development, *Australia and Papua New Guinea: Development Cooperation Program 2000-2003*, 2004; available from http://www.ausaid.gov.au/publications/pdf/australia_png.pdf.

Paraguay

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/3/2004	
Ratified Convention 182	3/7/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation, Trafficking)		

Incidence and Nature of Child Labor

An estimated 6.5 percent of children ages 5 to 14 years were counted as working in Paraguay in 1999. Approximately 9.4 percent of all boys 5 to 14 were working compared to 3.5 percent of girls in the same age group. The majority of working children were found in the agricultural sector (52.9 percent), followed by services (41.7 percent), manufacturing (4.0 percent), and other sectors (1.4 percent).[3689] Male children work principally in agriculture and unskilled manual labor.[3690] Female children work primarily in the unskilled manual labor, agricultural, and service and sales sectors, [3691] including as domestic servants in third-party homes.[3692] Under the practice of "criadazgo" many child domestic servants do not receive salaries and work in exchange for room, board, and financial support for schooling.[3693] Child labor is one of many problems associated with poverty. In 2002, 16.4 percent of the population in Paraguay were living on less than USD 1 a day.[3694]

Paraguay is a source country for women and children trafficked to Argentina, Spain, and Brazil for sexual exploitation and forced labor. Paraguayan and Brazilian girls are trafficked along the Brazil-Paraguay-Argentina border. Poor rural children are trafficked internally to urban areas for sexual exploitation and domestic labor.[3695] The commercial

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[3689] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3690] Roberto Céspedes, *Seguimiento de Indicadores sobre la Niñez Trabajadora de Paraguay según la Encuesta de Hogares*, ILO-IPEC, UNICEF, Asuncion, 2003, 29; available from http://www.oit.org.pe/ipec/boletin/documentos/estadisticas_py.pdf.

[3691] Ibid., 30.

[3692] ILO-IPEC, *Prevención y Eliminación del Trabajo Infantil Doméstico en Sudamérica: Evaluación Rápida sobre Trabajo Infantil Doméstico en Paraguay*, Lima, June 2002, 9,19, and 20; available from http://www.oit.org.pe/ipec/documentos/ev_tid_paraguay.pdf.

[3693] Ibid., 43, 71-73, and 76.

[3694] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3695] U.S. Department of State, *Trafficking in Persons Report- 2005: Paraguay*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Paraguay*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41770.htm.

sexual exploitation of children is a problem particularly in the cities of Asuncion and Ciudad del Este.[3696] There are reports of adolescents recruited into the armed forces.[3697] This practice has decreased in recent years due to government monitoring.[3698]

The General Education Law states that education, including pre-school, is to be free and compulsory until 9th grade.[3699] This includes children ages 5 to 14.[3700] However, in practice school fees are charged.[3701] In 2002, the gross primary enrollment rate was 110 percent and the net primary enrollment rate was 89 percent.[3702] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, 87 percent of children ages 5 to 14 years were attending school.[3703] As of 2001, 70 percent of children who started primary school were likely to reach grade five.[3704] The enrollment rate for girls is slightly higher than that for boys. Only 59 percent of indigenous children between the ages of 6 and 14 are enrolled in school.[3705]

Child Labor Laws and Enforcement

The "List of Work Endangering Children," the Children's and Adolescents' Code, the Labor Code, and the Penal Code contain provisions that regulate child labor. The Labor Code allows children older than 12 years of age to enter into work contracts, with authorization.[3706] Employing children less than 12 years of age is punishable by a fine of 50 minimum salaries, with fines doubled in cases of reoccurrence.[3707] The minimum age

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[3696] U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5. See also ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru, project document*, Geneva, September 30, 2004, 19.

[3697] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=835. See also U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5.

[3698] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*. See also U.S. Department of State, *Country Reports- 2004: Paraguay*, Sections 1f and 5.

[3699] Government of Paraguay, *Ley General de Educación*, N° 1.264, Article 32; available from http://www.senado.gov.py.

[3700] Ministry of Education and Culture, *Plan Educacional Ñandutí*, Asuncion, December 2002, Chapter 2; available from http://ept.unesco.cl/medios/pdf/plan_nanduti.pdf.

[3701] UNESCO, *EFA Global Monitoring Report 2003/4*, 2003/4, Latin America and the Caribbean Regional Overview, 2; available from http://portal.unesco.org/education/en/ev.php-URL_ID=23023&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[3702] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment that are greater than 100 percent, please see the definitions of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[3703] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[3704] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[3705] U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5.

[3706] Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos d la Ley 213/93, Código del Trabajo*, Article 36; available from www.senado.gov.py/ups/leyes/1643496.doc.

[3707] Ibid., Article 389.

for employment in industrial work is 15 years, with exceptions made for children over 12 years of age working in family businesses if the work is not dangerous and in authorized professional schools.[3708]

The Children's and Adolescents' Code prohibits those ages 14 to 18 years from working under conditions harmful to their well-being or at night.[3709] Children ages 14 to 16 years may not work more than 4 hours per day and 24 hours per week. Children ages 16 to 18 years may not work more than 6 hours per day and 36 hours per week; if the child is attending school the maximum daily work hours are reduced to 4.[3710] The Code also limits the workday of adolescent domestic workers to 6 hours; if the adolescent is attending school the maximum daily work hours are reduced to 4. Employers are required to facilitate the school attendance of adolescent domestic workers.[3711] The Labor Code requires that working minors have a birth certificate, an annual certificate of physical and mental health, and their guardian's authorization to work. Minors are entitled to a minimum of 25 paid annual vacation days and may not work on Sundays or national holidays.[3712]

The worst forms of child labor may be prosecuted under different statutes in Paraguay. In March of 2005 the "List of Work Endangering Children" that was drafted by the National Commission for the Prevention and Eradication of Child Labor and Labor Protection for Adolescents (CONAETI-Py) was signed as a Presidential decree.[3713] This decree prohibits minors under the age of 18 from working in 26 broad classifications of work. These include work involving toxins, garbage collection, explosive substances, extreme temperatures, dangerous machinery, loud noise, the sale of tobacco and alcohol, crossing national borders, pornography, heavy loads, confined spaces, domestic service (with exceptions for those 16 and older), electricity, and work that is underground, underwater, at night, or at heights. Work on public streets involving certain risks such as sexual abuse is prohibited. The practice of "criadazgo" is also outlawed.[3714] The Labor Code establishes a fine of 50 minimum salaries for employing minors in dangerous or night-time industrial work.[3715] The Children's and Adolescents' Code prohibits the commercial sexual exploitation of children and adolescents.[3716] The Penal Code imposes

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[3708] Ibid., Article 120.
[3709] Government of Paraguay, *Código de la Niñez y la Adolescencia*, No. 1680, (May 30, 2001), Articles 54 and 58; available from http://www.senado.gov.py/ups/leyes/4901680.doc. The term child applies to minors from conception up to age 13. The term adolescent applies to minors ages 14 to 17. See *Government of Paraguay, Que Establece El Alcance de los Términos Niño, Adolescente y Menor Adulto, No. 1.702; available from http://www.senado.gov.py/ups/leyes/5071702.doc.*
[3710] *Código de la Niñez y la Adolescencia, Titulo II, de la Protección a los Adolescentes Trabajadores*, Ley No. 1680, Chapter II, Article 58; available from http://www.senado.gov.py/ups/leyes/4901680.doc.
[3711] Ibid., Chapter II, Articles 64 and 65.
[3712] *Que Modifica, Amplia y Deroga Articulos d la Ley 213/93*, Articles 121 and 127.
[3713]Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decreto N° 4951, (March 22); available from http://www.presidencia.gov.py/dec%5CD4951.pdf.
[3714] Ibid.
[3715] *Que Modifica, Amplia y Deroga Articulos d la Ley 213/93*, Article 389.
[3716] *Código de la Niñez y la Adolescencia*, Chapter II, Article 31. For a review of relevant international agreements and national laws regarding the sexual exploitation of children in Paraguay see ILO-IPEC,

penalties of up to 5 years of incarceration for prostituting those under age 18. If the perpetrator acts for profit or if the victim is under 14 years, the penalty can increase.[3717] The Constitution prohibits slavery and trafficking in persons.[3718] Individuals are prohibited from forcing, deceiving, or coercing a person to leave the country by the Penal Code. The maximum jail sentence for trafficking is 10 years.[3719] The Law on Compulsory Military Service allows males less than 18 years to serve in the military under exceptional circumstances, where there is "justified reason."[3720]

The National Secretariat for Childhood and Adolescence's responsibilities include implementing programs relating to children and developing childhood and adolescence councils at the state and local level.[3721] Approximately 120 Municipal Councils for the Rights of Children and Adolescents (CODENIs) have been created to carry out activities to protect the rights of children, such as maintaining registries of working adolescents, mediating disputes, and referring cases to judicial authorities.[3722] The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws.[3723] According to the U.S. Department of State, the National Secretariat for Childhood and Adolescence has not been effective, the government generally does not enforce minimum age requirements for employment, and the borders are not sufficiently monitored.[3724]

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

CONAETI-Py has created a National Plan for the Eradication and Prevention of Child Labor (2003-2008) that serves to guide the country's policy on child labor. The plan's objectives include data collection, awareness raising, training of key actors, improving legal protections, implementing an inspection and monitoring system, developing public policy, and designing and implementing interventions.[3725] A National Plan for the Prevention and Eradication of Child Sexual Exploitation has been developed by the government and NGOs.[3726] Both plans are part of the government's National Policy for

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Marco Legal para Confrontación de la Explotación Sexual Comercial de Niñas, Niños y Adolescente en Paraguay, Lima, June 2002; available from http://www.oit.org.pe/ipec/documentos/estlegescipy.pdf.

[3717] Government of Paraguay, *Código Penal*, No. 1160, Article 139; available from http://www.unifr.ch/derechopenal/legislacion/pa/cpparaidx.htm.

[3718] Government of Paraguay, *Constitución Nacional de La República del Paraguay*, (June 20, 1992), Article 10; available from http://www.senado.gov.py.

[3719] *Código Penal*, Article 125.

[3720] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

[3721] *Código de la Niñez y la Adolescencia*, Article 41.

[3722] U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5. See also *Código de la Niñez y la Adolescencia*, Articles 48-50.

[3723] U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 6d.

[3724] Ibid., Sections 5 and 6d. See also U.S. Embassy- Asuncion, *reporting*, February 25, 2005.

[3725] National Commission for the Prevention and Eradication of Child Labor and the Labor Protection for Adolescents, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil y Protección del Trabajo de los Adolescentes*, 2-3; available from http://www.oit.org.pe/ipec/documentos/plan_paraguay.pdf.

[3726] Committee for the Rights of Children and Adolescents, ILO, and UNICEF, "Plan Nacional de Prevención y Erradicación de la Explotación Sexual de Niñas, Niños, y Adolescentes en Paraguay," Decemeber 2003; available from http://www.oit.org.pe/ipec/documentos/plan_esci_py.pdf.

Childhood and Adolescence (2003–2013).[3727] An anti-trafficking plan and coordination mechanism have also been created.[3728]

The government is participating in a regional USDOL-funded ILO-IPEC project targeting children involved in commercial sexual exploitation and domestic labor.[3729] The Secretariat for Repatriations assists with repatriating trafficked individuals through the identification of NGO funding sources.[3730] The public utility, Itaipu Binational, provided support to an NGO that operates a hotline and shelter for trafficking victims in the border region with Argentina and Brazil.[3731]

The Ministry of Education and Culture, the Ministry of Public Health, and the Institute of Well-Being, support projects that provide at-risk children with social services.[3732] UNICEF provides some funding for the Secretary of Social Action's program to provide services to children working in the streets through 13 open centers.[3733]

The Ministry of Education and Culture has an educational plan for the years 2003 to 2015 based on the UNESCO Education for All program.[3734] The Ministry also implements an innovative, community-based bilingual education program in rural and urban schools and has made efforts to improve school management and pedagogical training.[3735] The Ministry of Education provides funds for a school feeding program that serves approximately 250,000 children.[3736] The Ministry requires that all schools gather information regarding the working status of children.[3737] The IDB supports a government program to achieve universal preschool and improve the quality of early education, in

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[3727] Government of Paraguay, *Decreto No. 2616*, (May 31), Article 2; available from http://www.oit.org.pe/ipec/documentos/planes_grales_py.pdf.
[3728] U.S. Department of State, *Trafficking in Persons Report*.
[3729] Other countries participating in this project include Chile, Colombia and Peru. The project was funded in 2004. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labour (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Chile, Colombia, Paraguay and Peru*, project document, RLA/00/P53/USA, Geneva, September 30, 2004.
[3730] U.S. Department of State, *Trafficking in Persons Report*.
[3731] U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5. Itaipu Binational is jointly owned by the Paraguayan and Brazilian governments. See Itaipu Binacional, *Paraguay y Brazil se unen en Itaipú,* [online] n.d. [cited December 18, 2005]; available from http://www.itaipu.gov.py/espanol/empre/histo.htm.
[3732] Proyecto de Asistencia Integral a Menores en Situación de Alto Riesgo (AMAR), *El Proyecto AMAR,* [no longer available online, hard copy on file] [cited July 2, 2003]; available from http://www.pamar.org/py/novedades.php?seccion=sa and http://www.pamar.org/py/novedades.php?seccion=ed. See also Dr. Carlos Alberto Arestivo, *Informe Gubernamental sobre la Explotación Sexual - República del Paraguay*, PDF online, Instituto Interamericano del Niño; available from http://www.iin.oea.org/C.A._Arestivo_Paraguay.PDF.
[3733] ILO, *Paraguay Lanza Programa Nacional para la Disminución del Trabajo Infantil en las Calles. Un ABRAZO para Niños y Niñas Trabajadores,* [online] May 2005 [cited October 3, 2005]; available from http://www.oit.org.pe/ipec/boletin/noticias/vernoticia,685.php.
[3734] Ministry of Education and Culture, *Plan Educacional Ñandutí*.
[3735] Ministry of Education and Culture, *Escuela Viva,* Ministerio de Educación y Cultura, [online] n.d. [cited October 3, 2005]; available from http://www.escuelaviva-mec.com.py/escuela.php.
[3736] U.S. Department of State, *reporting*, September 8, 2004.
[3737] U.S. Department of State, *reporting*, August 25, 2005.

particular targeting children at social and educational risk.[3738] The Government of Spain's Development Agency is supporting a program to reform curriculum, provide educational services to adolescents who do not have a primary school education, and address the educational needs of street children.[3739] Paraguay is receiving a USD 24 million loan from the World Bank to improve the management and efficiency of its education system, and to support achievement and equity in secondary education.[3740]

[3738] IBD, *IDB Approves $23.4 Million Loan to Paraguay to Improve Preschool and Early Education,* [online] July 2, 2003 [cited October 3, 2005]; available from http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=131_03&Language=English.
[3739] U.S. Department of State, *reporting,* September 8, 2004.
[3740] World Bank Group, *World Bank Approves $24 Million For Education Reform in Paraguay,* [online] August 1, 2003 [cited October 3, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20121951~enableDHL:TRUE~isCURL:Y~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

Peru

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/13/2002	
Ratified Convention 182	1/10/2002	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 16.5 percent of children ages 6 to 14 were counted as working in Peru in 1994. Approximately 18.7 percent of all boys 6 to 14 were working compared to 14.4 percent of girls in the same age group.[3741] Children are employed in the agricultural sector, mining and brickmaking.[3742] In urban areas, children work as domestics and often sell goods and services in the streets and in markets.[3743] Child labor is one of many problems associated with poverty. In 2000, 18.1 percent of the population in Peru were living on less than USD 1 a day.[3744]

Many children, particularly girls, move from rural to urban areas to work as domestic servants in third-party homes.[3745] Boys and girls are also exploited in prostitution.[3746] Demand for child prostitutes is most prevalent along commercial routes and in tourist locations, such as beaches, markets, cinemas, theaters, and restaurants.[3747] Children are trafficked internally for commercial sexual exploitation and domestic service in Peru.[3748] There is little information available on the incidence of external trafficking of children.[3749] However, Peruvian children may be among the victims trafficked internationally for commercial sexual exploitation to the United States, Europe and Japan.[3750]

[3741] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3742] U.S. Department of State, *Country Reports on Human Rights Practices 2005*, section 6d.

[3743] Dirección Técnica de Demografía e Indicadores Sociales, *Visión del Trabajo Infantil y Adolescente en el Perú, 2001*, Institución Nacional de Estadistica e Informatica, Lima, October 2002, 39; available from http://www.oit.org.pe/ipec/tid/docs/la_ninez_en_el_peru.pdf.

[3744] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3745] U.S. Department of State, *Country Reports on Human Rights Practices*, section 6d.

[3746] ECPAT International, *Peru,* [database online] [cited July 1, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, *Country Reports on Human Rights Practices*, Section 5.

[3747] ECPAT International, *Peru*, Child Prostitution.

[3748] U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2004.

[3749] ECPAT International, *Peru*, Trafficking.

[3750] U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2004. See also U.S. Embassy- Lima, *reporting*, 2005.

The General Education Law establishes free and compulsory public education through secondary school.[3751] Despite the legal guarantee for free education, some primary school fees continue to be charged.[3752] In 2002, the gross primary enrollment rate was 118 percent and the net primary enrollment was 100 percent.[3753] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1994, 93.6 percent of children ages 5 to 14 years were attending school.[3754] As of 2001, 84 percent of children who started primary school were likely to reach grade five.[3755] Girls attend school at a lower rate than boys, and school attendance is lower in rural than in urban areas.[3756] Indigenous children and those from rural areas lack access to the education system.[3757] Therefore, the average total number of years of schooling and student performance are also sharply lower in rural areas than in urban areas.[3758] The Child and Adolescent Code does, however, provide for special arrangements and school timetables so that working children and adolescents can attend school regularly.[3759]

Child Labor Laws and Enforcement

According to the legislation modifying Article 51 of the Child and Adolescent Code, the minimum age for employment is 15 years in non-industrial agricultural work, 16 years for work in the industrial, commercial, and surface mining sectors; and 17 years for work in the industrial fishing sector.[3760] Children ages 12 to 14 may perform certain jobs, subject to restrictions, only if they obtain legal permission from the Ministry of Labor

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[3751] El Presidente de la República, *Ley General de Educación*, 28044, Lima, July 17, 2003, articles 4 and 12. The General Education Law was passed on July 17, 2003 and includes articles on bilingual, intercultural, and vocational education, as well as on regular and alternative basic education for working children and adolescents. See El Presidente de la República, *Ley General de Educación*, articles 20, 36 and 37.

[3752] UNESCO, *Education for All Global Monitoring Report 2006*, 2006; available from http://portal.unesco.org/education/en/file_download.php/8c9181640dbf683c9cd900051897900f4accessprimaryeducation.pdf.

[3753] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3754] SIMPOC, MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[3755] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

[3756] International Confederation of Free Trade Unions, *Peru: Report on Core Labour Standards for the WTO: ICFTU Report for the WTO General Council Review of the Trade Policies of Peru*, Geneva, May 30-31, 2000; available from http://www.icftu.org.

[3757] Ibid.

[3758] World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21/000094946_01122104030511/Rendered/PDF/multi0page.pdf.

[3759] ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [cited July 1, 2005]; available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf.

[3760] Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*; available from http://www.cajpe.org.pe/rij/bases/legisla/peru/27571.htm.

and can certify that they are attending school.[3761] Children aged 12 to 14 years are prohibited from working more than 4 hours a day, or over 24 hours a week, and adolescents between 15 and 17 years may not work more than 6 hours a day, or over 36 hours a week.[3762] In January 2005, the Ministry of Labor created the Office of Labor Protection for Minors to oversee the Ministry's practice of issuing permits to children under 18 years of age to work legally.[3763] Work that might harm a child's physical or mental health and development, including underground work or work that involves heavy lifting, night work, or work that might serve as an obstacle to continued school attendance, is prohibited for children under 18 years of age.[3764] Working children must be paid at the same rate as adult workers in similar jobs.[3765] Regulations require that underage children working in domestic service must have access to education.[3766]

Various statutes prohibit the worst forms of child labor in Peru. The Child and Adolescent Code prohibits forced and slave labor, economically exploitative labor, prostitution, and trafficking.[3767] In 2004, Peru's Congress enacted legislation that increased punishments against clients and others who benefit economically from the prostitution of minors.[3768] Updated statutes prohibit trafficking in persons and provide penalties for those who move a person, either within the country or to an area outside the country, for the purposes of sexual exploitation (including prostitution, sexual slavery, and pornography) from 5 to 10 years' imprisonment.[3769] If the trafficking victim is under 18 years of age, the punishment is 10 to 15 years' imprisonment.[3770] Military service is voluntary and prohibited for children under the age of 18. The Law on Military Service prohibits forced recruitment.[3771] Since 1999, the Government of Peru has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3772]

[3761] U.S. Department of State, *Country Reports on Human Rights Practices*, section 6d. See also *Ley que Modifica el Artículo 51*. Working adolescents are not required to register with the Ministry of Labor if they are performing unpaid family work; however, the head of the household for which they work must register them in the municipal labor records. See also Government of Peru, Comisión Andina de los Juristas, Red de Información Judicial Andina, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*; available from http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html.
[3762] *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*.
[3763] U.S. Embassy- Lima, *reporting,* 2005.
[3764] U.S. Embassy-Lima, *reporting*, August 15, 2003. See also Inter-American Development Bank, *Peru: Stage Three of the National Program to Support Operations of the Compensation and Social Development Fund (FONCODES III)*, PE-0193, The Inter-American Development Bank, September 11, 2002; available from http://www.iadb.org/exr/doc98/apr/pe1421e.pdf.
[3765]*Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*.
[3766] U.S. Embassy-Lima, *reporting*, August 2004.
[3767] *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*.
[3768] Perpetrators are punished with 4-8 years of imprisonment. The statute also made internet pornography illegal. U.S. Department of State, *Country Reports on Human Rights Practices*, section 5.
[3769] U.S. Department of State, *Country Reports- 2004: Peru*, section 5.
[3770] Ibid.
[3771] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004-Peru*, electronic, 2004; available from http://www.child-soldiers.org/resources/global-reports?root_id=159&category_id=165.
[3772] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

The Ministry of Labor is responsible for enforcing child labor laws and its inspectors have legal authority to investigate reports of illegal child labor practices. In 2005, the Ministry had 236 labor inspectors, a 30 percent increase from previous years.[3773] The National Police and local prosecutors have law enforcement authority over child labor violations,[3774] and the National Police operate a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.[3775] The Municipal Child and Adolescent Defender Centers work with local governments to supervise investigations, apply punishments, and monitor compliance of child labor laws.[3776] Although more than one-half of the economically active population in Peru works in the informal sector, inspections are conducted primarily in the formal sector.[3777]

The Ministry of the Interior and the National Police are the entities responsible for addressing domestic trafficking, while the Foreign Ministry and Immigration authorities work on international trafficking issues.[3778] The U.S. Department of State reports that the National Police undertook various raids in 2005, but few perpetrators have been prosecuted. In addition, the government lacks a statistical system to track trafficking cases at the national level.[3779]

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

The Ministry of Labor and Employment Promotion heads the National Committee to Prevent and Eradicate Child Labor, an organization composed of representatives from various ministries, NGOs, labor unions, and employers' organizations[3780] that aims to address child labor issues and fulfill Peru's international commitments to fight child labor.[3781] In October 2005, the Committee launched its National Plan for the Prevention and Eradication of Child Labor. The Plan proposes the following actions: raise awareness; develop a judicial framework to combat the commercial exploitation of children and protect the adolescent worker; generate credible statistics; develop social policy on children's rights; and strengthen institutional capacities.[3782] The Ministry of

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[3773] U.S. Department of State, *Country Reports on Human Rights Practices 2005*, Section 6d.
[3774] U.S. Embassy- Lima, *reporting*, October 7, 2002.
[3775] Estudio Torres y Torres Lara, *Directiva No. 19-95-DIVIPOLNA Sobre Atención y Intervención Policial con Niños y Adolescentes (25 de abril de 1995),* [cited July 1, 2005]; available from http://www.asesor.com.pe/teleley/direc-19-95.htm.
[3776] U.S. Embassy-Lima, *reporting,* August 25, 2004. See also Inter-American Development Bank, *FONCODES III*, Artículo 70. See also Ministry of Women and Social Development, *Defensoría del Niño y del Adolescente,* [online] [cited July 1, 2005]; available from http://www.mimdes.gob.pe/dgnna/dna/.
[3777] U.S. Embassy-Lima, *reporting,* August 25, 2004.
[3778] U.S. Department of State, *Country Reports on Human Rights Practices*, section 5.
[3779] Ibid.
[3780] U.S. Embassy-Lima, *reporting,* August 25, 2004.
[3781] Ibid.
[3782] ILO-IPEC, "Perú presentó Plan Nacional contra el trabajo infantil," *Boletín Encuentros* (October 2005); available from http://www.oit.org.pe/ipec/boletin/noticia_imprimir.php?notCodigo=748. See also Comité Directivo Nacional para la Prevención y Erradicación del Trabajo Infantil (CPETI), *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005.

Women and Social Development (MIMDES) has a National Action Plan for Children and Adolescents 2002 – 2010. The plan focuses on providing quality, intercultural basic education, eliminating the worst forms of child labor for children ages 6 to 11 years, and improving working conditions for adolescents at or above the legal working age as part of its strategic objectives.[3783] The Ministries of Labor and Employment Promotion; Health; Energy and Mines; and Education operate a system that will allow the government to monitor and verify progress in the elimination of child labor in small-scale mining for a 10-year period (2002-2012).[3784]

The Government of Peru supports and contributes to a USD 5.5 million regional USDOL-funded ILO-IPEC program to eliminate exploitative child labor in the domestic service and commercial sex sectors.[3785] The government participated in a USD 1.6 million regional ILO-IPEC project to eliminate child labor in small-scale mining in the Andean region, which ended in February 2005,[3786] and continued to participate in a USD 1.5 million 4-year project to improve access to and quality of basic education for children engaged in mining in Peru.[3787]

With technical assistance from the ILO, MIMDES is implementing a 10-year plan to eliminate child sexual exploitation called Network Now Against Child Sexual Exploitation.[3788] The plan includes coordinating with various NGOs to combat commercial sexual exploitation of minors in Iquitos, a popular tourist spot where child prostitution occurs.[3789] MIMDES supports an urban program called Street Educators, which provides education and services to children in the streets and markets. MIMDES also supports a Working Group on Children at Risk of HIV/AIDS and tuberculosis, with assistance from UNICEF and Save the Children.[3790] In addition, MIMDES is raising awareness on legislation regarding the commercial sexual exploitation of minors through radio broadcasts and other means.[3791] The Ministries of Foreign Affairs, Commerce and Tourism has initiated anti-trafficking campaigns.[3792] The government supported NGOs

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[3783] Government of Perú, *Plan Nacional de Acción para la Infancia y la Adolescencia 2002 - 2010: Construyendo un Perú Mejor para la Niñas, Niños y Adolescentes*, 2002, 12-13, [previously online]; available from http://www.minmimdes.gob.pe/indiceorg.htm [hard copy on file].
[3784] U.S. Embassy-Lima, *reporting,* August 15, 2003.
[3785] See also U.S. Department of Labor - International Child Labor Program, *Prevention and Elimination of Child Domestic Labor (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Chile, Colombia, Paraguay and Peru, Project Summary*, Project Summary, 2004.
[3786] The project included Bolivia, Ecuador and Peru. Phase I of this project, funded at USD 2.9 million, began in 2000. See ILO-IPEC, *Phase I: Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, (ILO) LAR/00/05/050, Geneva, April 1, 2000. See also ILO-IPEC, *Phase II: Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America*, project document, RLA/02/P50/USA, Geneva, September 3, 2002.
[3787] See also World Learning Inc., *EduFuturo: Educating Artisanal Mining Children in Peru for a Dignified Future*, project document, SB 501-000, September 16, 2002.
[3788] U.S. Embassy-Lima, *reporting,* August 25, 2004.
[3789] U.S. Embassy- Lima, *reporting,* 2005.
[3790] MIMDES official, "interview" with USDOL official, September 9, 2005.
[3791] U.S. Embassy-Lima, *reporting,* August 25, 2004.
[3792] U.S. Department of State, *Country Reports on Human Rights Practices*, section 5.

that provided services to sexually exploited and trafficked minors.[3793] The Ministry of the Interior is working with its counterparts in the Chilean Government to develop a joint policy on the prevention and protection of children and adolescents in the border regions between the two countries.[3794] The Government of Peru, with support from the U.S. Government, receives specialized training in trafficking in persons, including providing aid to victims, collecting credible statistical data on trafficking cases, and aiding government officials outside of the capital in recognizing cases.[3795]

The National Institute of Family Well-Being has a program that provides a variety of services to working youth, including school support, school reinsertion, reintegration into the family, and vocational training.[3796]

The Ministry of Education implements a basic education program that aims to improve the quality of education throughout the country by strengthening teachers' skills and providing them with free educational materials, especially in rural areas.[3797] The Ministry also operates a tutoring program for children formerly excluded from the public system, including working children.[3798] In addition, the Ministry has established night classes and lengthened matriculation periods for youth employed as domestic servants in third-party homes.[3799] Finally, the Ministry oversees *Proyecto Materiales Educativos* (Teaching Materials Project), which strengthens national capacity to develop innovative teaching materials.[3800]

The Government of Peru, in collaboration with other public and private institutions, has a National Plan for Education for All that is being executed from 2004-2015. The Plan aims to improve rural girls' access to a quality bilingual education with a gender focus.[3801] USAID, in collaboration with the Ministry of Education, is expanding a girls' education initiative to provide technical assistance, develop models of educational

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[3793] Centers offered self-esteem workshops, medical attention and job training. Ibid.
[3794] ILO-IPEC, "Perú-Chile: dialogo fronterizo para enfrentar el tráfico de niñas, niños y adolescentes," *Boletín Encuentros* (April 2005); available from http://www.oit.org.pe/ipec/boletin/noticia.php?notCodigo=677.
[3795] U. S. Department of State, *reporting*, January 27, 2005.
[3796] National Institute of Family Welfare, *Educadores de calle,* [online] [cited July 1, 2005]; available from http://www.inabif.gob.pe/web/.
[3797] This project includes public schools in marginal urban, rural, border and emergency zones at the pre-school, primary and secondary levels. See Ministry of Education, *Programa de educación básica para todos,* [online] [cited July 1, 2005]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.htm.
[3798] U.S. Embassy-Lima, *reporting,* August 25, 2004.
[3799] U.S. Embassy-Lima, *reporting,* August 15, 2003.
[3800] Ministry of Education, *Proyecto Materiales Educativos,* [formerly online] [cited May 26, 2004]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/materiales_educa.htm [hard copy on file].
[3801] The National Forum on Education for All was formed in October 2002 within the Ministry of Education, with support from UNESCO, UNICEF, UNFPA, UNDP and other public institutions. Ministry of Education, *Plan Nacional de Educación para Todos*, San Borja, April 7, 2003, 1, 88; available from http://www.minedu.gob.pe/educacionparatodos/plan_nacional/dir.php?obj=dbase.htm.

decentralization, and strengthen local educational capacity.[3802] The Government's National Nutrition Assistance Program provides nutritious school snacks to children and adolescents in areas with high malnutrition rates.[3803]

The IDB is providing a social development loan to the Government of Peru that includes an infrastructure component for kindergarten and primary schools in rural areas.[3804] The IDB is also providing a loan to the Ministry of Labor and Employment Promotion to develop training activities and facilitate work opportunities and labor market access to youth between the ages of 16 and 24 years. The IDB provided a new loan in May 2005 to the Ministry of Economy and Finance which aims to provide support to social sector reforms in education, labor and other areas.[3805] With financing from the World Bank, the Ministry implements a project to extend access to rural basic education, improve teacher quality and motivation in rural areas, and strengthen education management.[3806]

[3802] USAID, *Peru: Program Data Sheet 527-006,* USAID, [online] 2002 [cited October 14, 2005]; available from http://www.usaid.gov/pubs/cbj2003/lac/pe/527-006.html.

[3803] This program includes children and adolescents who work and go to school as target beneficiaries. MIMDES-Programa Nacional de Asistencia Alimentaria, *Programas Ejecutados por el Programa Nacional de Asistencia Alimentaria,* [online] 2005 [cited July 1, 2005]; available from http://www.pronaa.gob.pe/pronaa/programas_pronaa.htm.

[3804] Inter-American Development Bank, *FONCODES III*, 11.

[3805] Inter-American Development Bank, *PE-L1009: Support to Social Sector Reforms,* [online] July 1, 2005 [cited July 1, 2005]; available from http://www.iadb.org/projects/Project.cfm?project=PE-L1009&Language=English. See also Inter-American Development Bank, *PE0241: Youth Training Program,* [online] July 1, 2005 [cited July 1, 2005]; available from http://www.iadb.org/projects/Project.cfm?project=PE0241&Language=English.

[3806] The project will be active through 2007. World Bank, *Peru-Rural Education, project information document*. Among other approaches, the project promotes non-formal education at the initial and pre-school levels, including family and community participation, and cost-effective, distance secondary education. In addition, the project supports the rehabilitation of classrooms, rural teacher professional development, and the distribution of multi-grade and bilingual instruction materials. See World Bank, *Peru-Rural Education Project,* [online] 2003 [cited October 17, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P055232.

Philippines

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/4/1998	
Ratified Convention 182 11/28/2000	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plans (Hazardous labor, Trafficking and Child Soldiering)	

Incidence and Nature of Child Labor

An estimated 11 percent of children ages 5 to 14 years were counted as working in the Philippines in 2001. Approximately 13.4 percent of all boys 5 to 14 were working compared to 8.4 percent of girls in the same age group. The majority of working children were found in the agricultural sector (65.3 percent), followed by services (29.4 percent), manufacturing (4.2 percent) and other sectors (1.1 percent).[3807] Children also work on sugarcane plantations,[3808] in pyrotechnics production, deep-sea fishing, mining, and quarrying.[3809] Children living on the streets engage in informal labor activities such as scavenging or begging. Children are also engaged in domestic service[3810] and involved in the commercial sex industry; children are used in the production of pornography and are exploited by sex tourists.[3811] Child labor is one of many problems associated with poverty. In 2000, 15.5 percent of the population in the Philippines were living on less than USD 1 a day.[3812]

[3807] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3808] Terre des Hommes, *Sweet Hazards: Child Labor on Sugarcane Plantations in the Philippines*, Netherlands, June 2005, 8; available from http://www.terredeshommes.nl/filelibrary/Sweet_Hazards.pdf. See also ILO-IPEC, *Safety and Health Fact Sheet: Hazardous Child Labour in Agriculture--Sugarcane*, Geneva, March 2004; available from http://www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs_sugarcane_0304.pdf.

[3809] Godelia E.S. Ricalde, Nonita Adan-Perez, and Mark Anthony P. Nucum, *An Annotated Bibliography of Child Labor in the Philippines*, The Philippine Institute for Development Studies (PIDS) - ILO Joint Project on Child Labor, 2002, 2, 4, 42; available from http://dirp3.pids.gov.ph/dpnet/documents/annotated%20bibliography.pdf. See also ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, project document, Geneva, September 25, 2002, 5.

[3810] Ricalde, *An Annotated Bibliography of Child Labor in the Philippines*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Philippines*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41657.htm.

[3811] U.S. Department of State, *Country Reports- 2004: Philippines*, Section 5. See also ECPAT International, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (Philippines; accessed June 23, 2005).

[3812] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

Children are reportedly trafficked internally for purposes of commercial sexual exploitation and forced labor.[3813] Children are also known to be involved in the trafficking of drugs within the country.[3814] There are no reports of child soldiers in the government armed forces, but children under the age of 18 are recruited into terrorist organizations including the Abu Sayyaf Group and the New People's Army.[3815]

The Philippine Constitution mandates compulsory elementary education for children aged 6 to 11 years old, and elementary and secondary education is free[3816], although families must cover related costs such as identification cards and books.[3817] However, many poor families are unable to finance such costs, denying them equal access to education.[3818] In 2002, the gross primary enrollment rate was 112 percent and the net primary enrollment rate was 94 percent.[3819] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 87.6 percent of children ages 5 to 14 years were attending school.[3820] As of 2001, 76 percent of children who started primary school were likely to reach grade five.[3821]

Child Labor Laws and Enforcement

The Labor Code of 1993, Republic Act No. 7658 of 1993, and Republic Act No. 9231 of 2003 prohibit the employment of children under the age of 15, except when working directly with a parent and when the work does not endanger the child's life, safety, health or morals, or interfere with schooling. The laws require that any child under age 15 employed under these guidelines receive a special permit from the Department of Labor,

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[3813] U.S. Department of State, *Trafficking in Persons Report- 2005: Philippines*, Washington, D.C., June 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Philippines* [CD-ROM], Manila, 2001.

[3814] Magdalena Lepiten, *Children's Involvement in the Production, Sale and Trafficking of Drugs in Cebu City: A Rapid Assessment*, no. 22, ILO-IPEC, Geneva, February 2002. See also ILO-IPEC, *Assessing the Situation of Children in the Production, Sales and Trafficking of Drugs in Indonesia, the Philippines, and Thailand*, project document, Geneva, September 17, 2002, 7.

[3815] U.S. Department of State, *Country Reports- 2004: Philippines*, Section 5. See also Rufa Cagoco-Guiam, *Child Soldiers in Central and Western Mindanao: A Rapid Assessment*, no. 21, ILO-IPEC, Geneva, February 2002, xv.

[3816] Republic of the Philippines, *Constitution of the Republic of the Philippines*, (1987), Article XIV, Section 2(2). See also ILO-IPEC, *Relevant Laws and International Conventions: Philippines,* [online] n.d. [cited June 29, 2005]; available from http://www.dotenable.ph/ilo/laws.htm.

[3817] Republic of the Philippines, *Republic Act No. 6655*, Section 3; available from http://www.chanrobles.com/republicactno6655.htm. See also United Nations Committee on the Rights of the Child, *Concluding Observations: Philippines, 39th Session*, CRC/c/15/Add.258, June 3, 2005, para. 68; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/945b69461d36a356c1257018002d9e84?Opendocument.

[3818] United Nations Committee on the Rights of the Child, *Concluding Observations*.

[3819] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed October 2005).

[3820] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[3821] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

but do not define any absolute minimum ages for these children.[3822] The Labor Code also permits a child to work as an apprentice at age 14.[3823] Republic Act No. 9231, the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Strong Protection for the Working Child, codifies the provisions of ILO Convention 182 into domestic law. The act defines the worst forms of child labor as the four ILO Convention 182 categories, including criteria for what is considered hazardous under the fourth category.[3824] In addition to setting the minimum age for work, the act limits the number of working hours for children, requires formal administration of working children's income, initiates trust funds for working children, and guarantees their access to education and training. Furthermore, the act establishes fines and prison terms for persons violating any of its provisions.[3825] In August 2004, the Implementing Rules and Regulations (IRR) of Republic Act 9231 took effect.[3826] Since 1999, the Government of the Philippines has submitted to the ILO a list or an equivalent document identifying hazardous forms of work prohibited to minors under Convention 182 or Convention 138.[3827]

There are additional statutes under which the worst forms of child labor can be prosecuted. The Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children ages 15 to18 years, and prohibits hazardous work for children less than 18 years of age.[3828] The Department of Labor and Employment's Order No. 4 of 1999 prohibits the handling of dangerous machinery or heavy loads; work that entails exposure to extremes of cold, heat, noise, or pressure; work that exposes children to physical, psychological, or sexual abuse; and work that is hazardous by its nature.[3829] Policy Instruction No. 23 of 1977 prohibits night work for children under the age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 years from

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[3822] Republic of the Philippines, *Philippines Labour Code*, (1993), Article 139; available from http://natlex.ilo.org/txt/E98PHL01.htm. See also Republic of the Philippines, *Republic Act No. 7658*, (November 9, 1993), Section 12; available from http://www.pctc.gov.ph/initiatv/RA7658.htm. See also Republic of the Philippines, *Republic Act No. 9231*, (December 19, 2003), Section 2.
[3823] *Philippines Labour Code*, Article 59.
[3824] *Republic Act No. 9231*, Section 3. According to ILO Convention 182, the worst forms of child labor comprise, "(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children." See ILO, C182 Worst Forms of Child Labour Convention, 1999, in ILOLEX, [database online] 2002 [cited January 23, 2006]; available from http://www.ilo.org/ilolex/english/convdisp2.htm.
[3825] *Republic Act No. 9231*, Sections 2-4, 6. See also U.S. Embassy- Manila, *reporting*, February 27, 2004.
[3826] ILO-IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, technical progress report, Geneva, September 2004, 1.
[3827] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3828] *Philippines Labour Code*, Article 139.
[3829] Republic of the Philippines, Department of Labor and Employment, *Hazardous Work and Activities to Persons Below 18 Years of Age*, Department Order No. 4, (1999), Section 3.

working after 10 p.m.[3830] The minimum age for voluntary recruitment into military service is 18, or 17 for training purposes.[3831]

Republic Act No. 9208, enacted in May 2003, criminalizes trafficking for the purposes of exploitation, including trafficking for adoption, sex tourism, prostitution, pornography, the recruitment of children into armed conflict, or under the guise of arranged marriage.[3832] The act also applies to the trafficking of children and establishes higher penalties of life imprisonment and a fine of two million to five million pesos (USD 36,036 to 90,090) for trafficking violations involving children.[3833] Those who use the services of trafficked persons are also subject to penalties of 15 years of imprisonment and a fine of 500,000 to 1 million pesos (USD 9,009 to USD 18,018).[3834] The act also sets out additional penalties for government employees breaking the law, and mandates immediate deportation of foreign offenders following the completion of their prison sentence.[3835] Slavery and forced labor are prohibited under Articles 272 and 274 of the Revised Penal Code,[3836] and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children under 18 years from all forms of abuse, cruelty, and exploitation and prohibits child prostitution and child trafficking.[3837] The Revised Penal code also prohibits engaging in, profiting from, or soliciting prostitution from children.[3838] The Constitution defends the rights of children against exploitation and other conditions prejudicial to their development.[3839]

The Department of Labor and Employment (DOLE) is responsible for enforcing child labor laws through the labor standards enforcement offices. The government has also begun institutionalizing a computer database on children identified as working that includes their needs and identifies appropriate assistance.[3840] However, the U.S. Department of State reports that child labor enforcement is weak due to a lack of resources, inadequate judicial infrastructure, and low conviction rates. In addition, child labor laws are not enforced in the informal sector.[3841] In 2005, DOLE rescued 151

[3830] Republic of the Philippines, *Policy Instruction No. 23*, (May 30, 1977), Section 1 a, b.
[3831] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Philippines*, 2004; available from http://www.child-soldiers.org/document_get.php?id=875.
[3832] *Anti-Trafficking in Persons Act of 2003*, Republic Act 9208, Section 4; available from Coalition Against Trafficking in Women - Asia Pacific (CATW-AP) at http://www.catw-ap.org/.
[3833] The act also provides for confiscation of any proceeds deriving from trafficking crimes. See Ibid. Sections 6, 10, 14. For currency conversion, see FXConverter, [online] [cited June 23, 2005]; available from http://www.carosta.de/frames/convert.htm.
[3834] *Anti-Trafficking in Persons Act*, Section 5, 10. For currency conversion see, FXConverter.
[3835] *Anti-Trafficking in Persons Act*, Section 6, 10. See also U.S. Embassy-Manila, *reporting*, March 1, 2005.
[3836] Republic of the Philippines, *Revised Penal Code*, No. 3815, (December 8, 1930); available from http://www.chanrobles.com/revisedpenalcodeofthephilippinesbook1.htm.
[3837] Republic of the Philippines, *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act*, Republic Act No. 7610, (1992); available from http://www.bwyw.dole.gov.ph/RA7610.htm.
[3838] *Revised Penal Code*, Articles 202, 341.
[3839] *Constitution of the Republic of the Philippines*, Article XV, Section 3(2).
[3840] U.S. Embassy- Manila, *reporting*, August 29, 2003.
[3841] Ibid. See also U.S. Embassy--Manila, *reporting*, August 23, 2004.

minors working in exploitative occupations.[3842] The National Bureau of Investigation, the Bureau of Immigration, and the Philippine National Police Criminal Investigation and Detection Group are tasked with counter-trafficking activities,[3843] along with an inter-agency group on trafficking headed by the Department of Justice.[3844]

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

The Philippine National Strategic Framework for Plan Development for Children, 2000-2025, also known as "Child 21," and the National Program Against Child Labor (NPACL) Framework serve as the primary government policy instruments for the development, implementation, monitoring, and evaluation of programs designed to prevent and eliminate child labor in the Philippines.[3845] Additionally, the National Plan of Action for Decent Work 2005-2007 prioritizes eliminating the worst forms of child labor.[3846] The Medium Term Philippine Development Plan 2004-2010 also includes measures for reducing the incidence of child labor, especially in hazardous occupations. In the plan, the Philippine government pledges to strengthen mechanisms to monitor the implementation of child protection laws, develop social technologies to respond to child trafficking and pornography, and implement an enhanced program for children in armed conflict.[3847]

The Government of the Philippines is participating in a USD 10.2 million USDOL-funded Timebound Program implemented by ILO-IPEC and World Vision to eliminate child labor in specified worst forms. The program targets children involved in commercial sexual exploitation, mining and quarrying, pyrotechnics, deep-sea fishing, domestic service, and work on commercial sugar cane farms.[3848] UNICEF also works actively with the government to promote children's rights, protect children from trafficking, and support educational improvements.[3849]

[3842] U.S. Embassy-Manila official, email communication to USDOL official, August 14, 2006.
[3843] U.S. Department of State, *Country Reports- 2004: Philippines*, Section 5.
[3844] U.S. Embassy-Manila official, email communication to USDOL official, August 14, 2006.
[3845] Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2005*, Makati City, Philippines, 2000. See also Department of Labor and Employment, *National Program Against Child Labor Framework 2000-2004*. The NPACL 2000-2004 is still in effect while it is being reviewed and renewed with ILO-IPEC support. See ILO--IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, technical progress report, September 2005, 30-31.
[3846] Department of Labor and Employment, *Employers, Labor Agree to Promote Decent Work,* [online] May 13, 2005 [cited June 29, 2005]; available from http://www.dole.gov.ph/news/pressreleases2005/may05/193.htm. See also ILO-IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, status report, Geneva, June 2005, 3.
[3847] Republic of the Philippines, *Medium Term Philippine Development Plan 2004-2010*, 2004, 113, 168-169.
[3848] ILO-IPEC, *Supporting the Time-Bound Program, project document*. See also World Vision Inc., *The ABK Initiative: Combating Child Labor through Education in the Philippines*, Washington, 2003.
[3849] The country program has been designed for the years 2005-2009. See UNICEF, *Revised Country Programme Document: Philippines,* [online] [cited June 28, 2005]; available from http://www.unicef.org/about/execboard/files/2004-PL9Rev1_Philippines.pdf. See also UNICEF

Additional government projects contributing to the goals of the Timebound Program include a 2-year project to combat child labor in tobacco production in Region I (Ilocos Region). [3850] USDOL is also funding three projects in support of the Timebound Program, including, an ILO-IPEC inter-regional project to remove and prevent children from becoming involved in armed conflict in the Mindanao region;[3851] a global project that aims to substantially reduce the engagement of children ages 5 to 17 in the worst forms of child labor;[3852] and a global project aimed at contributing to the elimination of the worst forms of child labor by raising awareness about the hazards of child labor and the benefits of education.[3853] The Government of the Philippines has also committed systematically to monitor the situation of child labor on a nationwide basis. The National Statistics Office gathers information on child labor by including children 5 years and above in its quarterly Labor Force Survey when measuring the economically active population in the Philippines. [3854]

Several governmental agencies in the Philippines have ongoing programs to address the needs of children vulnerable to exploitative child labor.[3855] DOLE continues to implement 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.[3856] In 2005, SBM conducted 63 rescue operations, where 151 children were

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Philippines, *UNICEF Inks Agreement with Philippine Government to Reduce Disparities in the Well-Being of Children,* [online] May 4, 2005 [cited June 23, 2005]; available from http://www.unicef.org/philippines/news/news_2.html.

[3850] ECLT Foundation, *ECLT Foundation Program in the Philippines with the Department of Labor and Employment 2003 - 2005,* [online] 2003 [cited June 28, 2005]. See also ECLT Foundation, *Philippines Project Update December 2004,* [online] [cited June 28, 2005]; available from http://www.eclt.org/activities/projects/philippines.html.

[3851] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, Geneva, September 2003.

[3852] The project is entitled "The Regional Community-based Innovation to Reduce Child Labor through Education (CIRCLE)." See U.S. Embassy- Manila, *US Government Grants to Promote Democracy, Human Rights and Labor,* [online] April 28, 2005 [cited July 1, 2005]; available from http://manila.usembassy.gov/wwwhps02.html.

[3853] The project began in 2001 and covers Indonesia, Mexico, Peru, Philippines, Thailand and Vietnam. ILO-IPEC, *APEC Awareness Raising Campaign: Eliminating the Worst Forms of Child Labour and Providing Educational Opportunities*, technical progress report, Geneva, March 2005. See also ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, October 2004; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.

[3854] ILO--IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines,* technical progress report, March 2004, 7. The Philippine National Statistics Office has conducted two stand-alone surveys. The first survey was conducted in 1995 and the second in 2001. Both surveys were implemented with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL. See ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Philippines*, project document, 2001. See also 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.

[3855] U.S. Department of State, *Country Reports- 2004: Philippines*, Section 6d.

[3856] Department of Labor and Employment: Bureau of Women and Young Workers, *Historical Milestones of the NPACL,* [online] June 2002 [cited June 30, 2005]; available from

withdrawn from hazardous and exploitative working conditions.[3857] In addition, DOLE has a number of social welfare programs targeting working children, including the Working Youth Center and the Bureau of Women and Young Workers' Family Welfare Program.[3858] The Department of Social Welfare and Development (DSWD) is the lead government agency that provides support for victims of trafficking;[3859] children in armed conflict; and children who have been exploited, abused, or rescued from living on the streets.[3860]

The government has also implemented a number of education programs that benefit children at risk of child labor, including establishing new elementary schools, school feeding programs, and quality improvement projects.[3861] The Medium Term Philippine Development Plan includes strategies and action plans to enhance basic education and increase access to primary education through school construction, double shift classes, and distance learning centers in conflict areas.[3862] The draft Education for All National Plan of Action includes child laborers as beneficiaries of education services.[3863] The Department of Education (DepEd) is implementing functional education and literacy programs that provide working children with basic education and skills training. DepEd's Bureau of Non-formal Education (NFE) collaborates with donors and local government bodies to provide programs under the NFE Accreditation and Equivalency System,[3864] and has also developed learning modules for parents of working children for use in areas with a high incidence of child labor.[3865] In support of the Timebound Program, DepEd recently issued Bulletin No.4 Series 2003 instructing education officials at the national, regional, and local levels to intervene to reduce or eliminate child labor.[3866]

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http://www.bwyw.dole.gov.ph/NPACL%20Milestones.htm. See also *U.S. Embassy--Manila, reporting, August 23, 2004.*

[3857] U.S. Embassy- Manila official, email communication to USDOL official, August 14, 2006.

[3858] U.S. Embassy- Manila, *reporting,* August 29, 2003.

[3859] U.S. Department of State, *Country Reports- 2004: Philippines*, Section 5.

[3860] U.S. Embassy- Manila, *reporting,* August 29, 2003. See also Department of Social Welfare and Development, *Retained Programs/Services for Children 2004,* [online] 2004 [cited June 28, 2005]; available from http://www.dswd.gov.ph/ProgProj.php?id=32.

[3861] UNDP, *Philippine Progress Report on the Millennium Development Goals*, January 29, 2003, 26; available from http://www.undp.org/mdg/countryreports.html. In 2001, DepEd implemented the Zero Collection Fees system that banned collections of fees from students in public schools, leading to an increase in enrollment. See U.S. Embassy- Manila, *reporting,* August 29, 2003.

[3862] Republic of the Philippines, *Medium Term Philippine Development Plan*, 199-204.

[3863] ILO IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, technical progress report, September 2005, 12-13. The Action Plan had not received final approval as of December 2005.

[3864] Department of Education: Bureau of Nonformal Education, *Innovations in Nonformal Education: The Challenge for Teacher Training Institutions*, Pasig City, 2001. As part of its EFA 2005 initiative, DepEd is in the process of developing a system to provide alternative education to children ages 6 – 12 who are out of school. See U.S. Embassy- Manila, *reporting,* August 29, 2003.

[3865] Embassy-Manila, *reporting,* March 1, 2005.

[3866] Department of Education, *DepED Bulletin No. 4 S. 2003, Philippines Timebound Program (PTBP) for the Elimination of the Worst Forms of Child Labor (WFCL)*, (2003).

International financial institutions and development agencies continue to assist the Philippine government in its efforts to provide children and youth in financial need with educational opportunities. USAID launched a 5-year program to increase access to quality education in marginalized areas, focusing on community based learning, reintegrating out-of-school youth into the economy, improving teaching capacity, and reforming education policy.[3867] The World Bank is providing support for an elementary school education project that builds government capacity as well as improves access to, quality of, and completion rates for schools in 26 poor provinces.[3868] ADB and AusAID are also assisting in the delivery of quality primary and secondary education services, as well as improving access to basic education in Mindanao.[3869]

[3867] USAID, *Philippines Education Data Sheet*, 2004; available from http://www.usaid.gov/policy/budget/cbj2005/ane/pdf/492-011.pdf.

[3868] World Bank, *Philippines: Third Elementary Education Project (TEEP),* [online] n.d. [cited June 28, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P004602.

[3869] ADB, *Country Strategy and Program Update (2004-2006)*, November 2003, 4; available from http://www.adb.org/Documents/CSPs/PHI/2003/CSP_PHI_2003.pdf. AusAID, *Country Brief- Philippines,* [online] n.d. [cited June 28, 2005]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1148_8702_9418_7487_8517&CountryId=31.

Romania

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/19/1975	
Ratified Convention 182	12/13/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

Incidence and Nature of Child Labor

An estimated 1.2 percent of children ages 5 to 14 years were counted as working in Romania in 2000. Approximately 1.4 percent of all boys 5 to 14 were working compared to 0.9 percent of all girls in the same age group. The majority of working children were found in the agricultural sector (97.1 percent), followed by services (2.3 percent), and other sectors (0.6 percent).[3870] It is common for children in rural areas to work on family farms or help with household chores.[3871] Children were involved in activities such as washing cars, selling merchandise on the streets, loading and unloading merchandise, and collecting waste products.[3872] According to a 2004 report, between 60,000 to 70,000 children, more than 1 percent of all of Romania's children, were involved in activities identified as the worst forms of child labor, including begging, drug dealing, stealing, prostitution, or were victims of child trafficking.[3873] Street children, children in urban areas, and Roma children are the most vulnerable to labor and sexual exploitation.[3874] It

[3870] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[3871] National Institute of Statistics, *Survey on Children's Activity*, 4.

[3872] Gabriela Alexandrescu, *Romania: Working Street Children in Bucharest: A Rapid Assessment*, ILO-IPEC, Geneva, March 2002, 27-28; available from http://www.ilo.org/public/english/standards/ipec/simpoc/romania/ra/streetcld.pdf. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Romania*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41703.htm.

[3873] According to the National Institution of Statistics as cited by the Save the Children Romania, *Salvati Copiii Annual Report 2004*, 2004, 15; available from http://www.salvaticopiii.ro/romania_en/despre_noi/raport_anual/Annual_Report_2004.pdf. See also Ministry of Labor, Social Solidarity, and Family, *Statistics on Child Labor in Romania*. See also U.S. Embassy- Bucharest, *reporting,* August 31, 2005. See also U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.

[3874] It is difficult to determine accurately how many children live on the streets nationwide, and estimates range from 1,500 to 5,000 children. The lower estimate is cited in the U.S. Department of State, *Country Reports- 2004: Romania*, Section 6d. The higher estimate is cited in the Save the Children Romania, *Salvati Copiii Annual Report 2004*, 15. See also U.S. Department of State, *Trafficking in Persons Report - 2005: Romania*, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm#romania. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Romania*, March 18, 2003, Para. 60 (a); available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e7035bcf6845056c1256d2b0037517a/$FILE/G0340855.pdf.

is estimated that about 30 percent of sex workers in Bucharest, the capital city, are under 18 years of age.[3875] Child labor is one of many problems associated with poverty. In 2002, less than 2.0 percent of the population in Romania were living on less than USD 1 a day.[3876]

Romania is a country of origin, transit, and destination for trafficked women and girls. Victims from Moldova, Ukraine, and other parts of the former Soviet Union are trafficked through Romania to Bosnia, Serbia and Montenegro, Macedonia, Kosovo, Albania, Greece, Cyprus, Turkey, Italy, France, Germany, Hungary, the Netherlands, Poland, Spain, Portugal, the United Arab Emirates, Japan, and South Korea for the purpose of sexual exploitation.[3877] Boys have also been trafficked. Children were trafficked within Romania for purposes of begging or agricultural work.[3878] The National Authority for Child Protection reported that in 2005, it received 773 notifications of assistance rendered to victims of trafficking. Of that number, 317 children were repatriated, primarily from Western Europe.[3879]

The Constitution provides for free and compulsory education for 10 years, beginning at age 7.[3880] In 2002, the gross primary enrollment rate was 99 percent and the net primary enrollment rate was 89 percent.[3881] Gross and net enrollment ratios are based on the number of students formally registered in primary school and, therefore, do not necessarily reflect actual school attendance. In 2000, 87.9 percent of children ages 5 to 14 years were attending school.[3882] School participation is significantly lower among

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[3875] UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Romania,* November 2003, 38; available from http://www.child-rights.org/PolicyAdvocacy/pahome2.5.nsf/0/CFA82B758B41BEDB88256E46008360E5/$file/Trafficking%20in%20Human%20Beings%20in%20SE%20Europe%20compressed.pdf.

[3876] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[3877] U.S. Department of State, *Country Reports- 2004: Romania*, Section 5. See also U.S. Department of State, *Trafficking in Persons - 2005*. See also Committee on the Rights of the Child, *Concluding Observations of the Committee 2003*. See also European Network Against Child Trafficking, *A Report on Child Trafficking: Bulgaria, Denmark, Italy, Romania, Spain, and the United Kingdom*, Save the Children Italia ONLUS, March 2004, 61; available from http://www.enact.it/view_news.asp?id=198.

[3878] ILO-IPEC, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Romania, 2003*, Bucharest, 2004, 1-2; available from http://www.ilo.org/public/english/standards/ipec/publ/download/cee_romania_ra_2003.pdf. UNICEF Romania, *Trafficking and Child Labor,* [online] 2004 [cited June 29, 2005]; available from http://www.unicef.org/romania/children_1605.html.

[3879] U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.

[3880] *Constitution of Romania*, (December 8, 1991), Article 32; available from http://www.oefre.unibe.ch/law/icl/ro00000_.html. Beyond the compulsory education period, schools charge fees for books, which discouraged attendance for lower income children, particularly Roma. See UNESCO, *Education for All 2000 Assessment: Country Reports- Romania*, prepared by Ministry of National Education, pursuant to UN General Assembly Resolution 52/84, 1999, Section 3.3; available from http://www2.unesco.org/wef/countryreports/country.html. See also U.S. Department of State, *Country Reports- 2004: Romania*, Section 5. See also U.S. Embassy- Bucharest, *reporting*, August 20, 2003.

[3881] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005).

[3882] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

ethnic Roma children and street children than other children.[3883] According to a 2002 study on street children in Bucharest, 62.7 percent of those interviewed had dropped out of school.[3884]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years. Article 155 of the General Norms of Labor Protection also specifies that children under the age of 16 cannot be used for loading, unloading, and handling operations.[3885] However, young persons aged 15 can be employed with the consent of their parents or legal guardian on the condition that the work performed is in accordance with their health and abilities and does not interfere with their education.[3886] Young persons ages 16 and over are permitted to work, but may not be placed in hazardous workplaces and may not be made to work overtime, at night, or for more than 6 hours per day or 30 hours per week. Young people under 18 years of age must be given a lunch break of at least 30 minutes, if the length of the working day exceeds 4 ½ hours.[3887]

The worst forms of child labor may be prosecuted under different statutes in Romania. The Law on Child Rights Protection entered into force in January 2005 and addresses the prevention and elimination of the worst forms of child labor, including trafficking in children.[3888] The Constitution and the Labor Code prohibit forced labor. The Constitution prohibits the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk.[3889] The minimum age for compulsory military conscription is 20 years. Minimum age for voluntary conscription is 18 years. The Law on the Preparation of the Population for Defense allows pre-military training for children from the age of 15 on a voluntary basis, and students enrolled in military education institutions are considered to be part of the armed forces.[3890] In June 2005, the Romanian government adopted changes to the

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[3883] Sorin Cace and Ioan Marginean, *Roma Working Children and their Families: Socio-Cultural Characteristics and Living Conditions*, ILO-IPEC, UNICEF, ECHOSOC Foundation, Ministry of National Education and Research, 2002, 7-8. See also Alexandrescu, *Romania: Working Street Children*, 29. According to the National Institute for Statistics in 2004, 26.3 percent of illiterate children over the age of 10 are Roma, as cited in Save the Children Romania, *Salvati Copiii Annual Report 2004*, 18.

[3884] One-hundred and fifty children ages 4 to 17 were interviewed. See Alexandrescu, *Romania: Working Street Children*, 25-29.

[3885] Ministry of Labor and Social Solidarity: Labor Inspection, *National Legislation on Child Labor-Summary*, 2001.

[3886] *Labor Code, Law No. 53/2003*, (January 24), Article 13 (2); available from http://www.mmssf.ro/e_legislatie/law53.htm.

[3887] See Ibid., Articles 109, 21, 25, 30.

[3888] Law No. 272/2004 as cited in Embassy of Romania official, email communication to USDOL official, September 1, 2005. See also ILO-IPEC, *Combating Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, technical progress report, RER/03/P50/USA, Bucharest, March 2005, 3. See also U.S. Embassy- Bucharest, *reporting,* August 31, 2005. See also U.S. Embassy-Bucharest, *email communication to USDOL official,* August 11, 2006.

[3889] *Constitution of Romania*, Article 39 (1). See also *Labor Code*, Article 4 (1). *Constitution of Romania*, Article 45 (3) and (4).

[3890] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004,* [online] 2004 [cited September 28, 2005]; available from http://www.child-soldiers.org/document_get.php?id=923.

Labor Code that criminalize child economic exploitation and impose penalties of 1 to 3 years of imprisonment.[3891] The methodology for repatriation of unaccompanied Romanian children and ensuring their special protection at the local level was approved by government decision number 1443/2004.[3892] Since 1999, the Government of Romania has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3893]

Enforcement of labor laws that protect children falls under the mandate of the Labor Inspectorate of the Ministry of Labor, Social Solidarity, and Family (MLSSF).[3894] Violations of child labor laws are punishable by imprisonment for periods of 2 months to 3 years,[3895] and by fines of RON 50,000 to 100,000 (USD 1,680 to 3,360).[3896] Forcing an individual to work against his or her will is punishable with 6 months to 3 years of imprisonment.[3897] In 2005, the Labor Inspectorate carried out inspections on 74,109 employers. Out of the 4,405 identified working children ages 15 to 18, 135 had no legal employment documents. Seventeen children under the age of 15 were found working with no legal employment forms.[3898]

Article 329 of the Criminal Code prohibits individuals from using children for the purposes of prostitution. The punishment for such offenses is imprisonment for a period of 3 to 10 years.[3899] Law No. 678/2001 on preventing and combating trafficking in human beings protects children under the age of 19 years from being trafficked and applies more severe punishments when the child is under 15 years of age.[3900] Trafficking of children ages 15 through 18 years carries a prison term of 3 to 12 years; for 2 or more victims, in cases where a victim suffers serious bodily harm, or if the victim is below the

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[3891] ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, technical progress report, September 2005, 3.
[3892] U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.
[3893] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[3894] Embassy of Romania Washington D.C. official, Combating the Worst Forms of Child Labor, letter to U.S. Department of Labor official, September 25, 2000.
[3895] U.S. Department of State, *Country Reports- 2004: Romania*, Section 6d.
[3896] *Labor Code*, Article 276 (1e). For currency conversion, see FXConverter, in Oanda.com, [online] [cited July 1, 2005]; available from http://www.oanda.com/convert/classic.
[3897] Labor Code, established under Law No. 10/1972 as cited in Alexandrescu, *Romania: Working Street Children*, 10.
[3898] U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.
[3899] Article 22 of the Constitution of the International Labor Organizations, Report for the period of 2003-2005, 1-3, Presented by the Government of Romania as cited in Ibid. Government of Romania, *Criminal Code,* as cited in The Protection Project Legal Library, [database online] [cited September 10, 2004], hard copy on file.
[3900] This law went into effect in early 2003. Article 22 of the Constitution of the International Labor Organizations, Report for the period of 2003-2005, Presented by the Government of Romania as cited in Embassy of Romania official, email communication, September 1, 2005. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Romania (ratification: 2000),* [online] n.d. [cited December 14, 2005]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken by the Romanian Authorities to Combat Trafficking of Human Beings*, UN, February 25, 2002, 2; available from http://missions.itu.int/~romania/strategies/index.html.

age of 15, penalties increase to 5 to 15 years. If a minor was trafficked through the use of coercion, an additional 2 years of prison time can be added.[3901] Law No. 196/2003 stipulates imprisonment for the involvement of children in pornography.[3902] The government convicted 146 persons of trafficking in 2005, and is working to address corruption among law enforcement and border officials.[3903] In June 2004, the government passed legislation that established a children's court and two courts became operational in two cities by the end of 2004.[3904] In 2005, a new law was passed that allows for youth leaving orphanages to receive 2 additional years of financial assistance and life skills training, thereby decreasing their vulnerability to being exploited.[3905]

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

The Government of Romania, through the National Steering Committee of the MLSSF, is implementing the National Action Program to Eliminate Child Labor [3906] The government has also approved the National Action Plan for Preventing and Combating Child Trafficking (2004-2007). In addition to the action plans on child labor and child trafficking, there are national action plans to address abused and neglected children and the sexual exploitation of children. The Commission on Child Rights has recommended merging all four into a comprehensive National Plan of Action on Children.[3907] The National Anti-Poverty and Social Inclusion Plan Concept (2002-2012) covers vulnerable groups such as street children, institutionalized children, and child victims of trafficking.[3908]

The Joint Inclusion Memorandum of Romania, signed with the European Union, addresses the needs of vulnerable groups, including children involved in the worst forms

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[3901] U.S. Department of State, *Country Reports- 2004: Romania*, Section 5. Traffickers can be prosecuted under the relevant provisions of the Law 678/2001 and under the Criminal Code (Articles 328, 329, 189, 190, 197, 198, 201, 202, and 203). See Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

[3902] European Network Against Child Trafficking, *A Report on Child Trafficking*, 60.

[3903] U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006. See also U.S. Department of State, *Trafficking in Persons - 2005*.

[3904] U.S. Department of State, *Country Reports- 2004: Romania*, Section 5.

[3905] Children are required to leave State-run institutions at the age of 18, and are frequently unprepared to support themselves, lack identity papers, job skills or employment opportunities, and do not have an alternate place to leave. In such cases, youth may be homeless and are particularly vulnerable to engaging in prostitution or criminal activities. Ibid. See also Committee on the Rights of the Child, *Concluding Observations of the Committee 2003*, Para. 38 (e).

[3906] ILO-IPEC, *Child Trafficking Project, progress report March 2005*, 3.

[3907] Government Decision (No. 1769/21 October 2004) as cited by Embassy of Romania official, email communication, September 1, 2005. Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. 2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo*, UNICEF, UNOHCR, OSCE-ODIHR, March 2005, 145; available from http://www.unicef.org/ceecis/Trafficking.Report.2005.pdf. See also Save the Children Romania, *Salvati Copiii Annual Report 2004*, 8. See also U.S. Embassy- Bucharest, *reporting,* August 31, 2005.

[3908] ILO-IPEC, *The International Labour Organization Correspondent in Romania,* [online] 2003 [cited July 1, 2005]; available from http://www.un.ro/ilo.html.

of child labor and child trafficking.[3909] Bilateral agreements emphasizing the need for common action to address child trafficking and the commercial sexual exploitation of children have been signed between the Government of Romania and a number of countries.[3910] Memoranda of agreement on the protection of unaccompanied minors have been signed with France, Spain, and the Italian Turin Province.[3911]

The National Authority for Child Protection and Adoption (NACPA), through local directorates of social assistance and children's protection, provides assistance and rehabilitation services to child trafficking victims.[3912] The NACPA finances National Interest Programs (NIP) implemented by nongovernmental organizations.[3913] The government established the National Agency for the Prevention of Trafficking in Human Beings and Monitoring of the Assistance Provided to the Victims of Trafficking in Human Beings (ANAT) on December 8, 2005. The government opened 12 shelters for trafficking victims. In 2005, approximately 3,500 children and families received services.[3914]

The government is working with IOM, UNICEF, the Romanian Orthodox Church, the National Office for Refugees, and other NGOs to combat trafficking and to carry out trafficking prevention activities and victim assistance.[3915] With support from IOM, the government participates in a Counter Trafficking Steering Committee and continues to broadcast anti-trafficking messages on government-sponsored television to raise awareness of the problem.[3916] Romania continues to participate in an ILO-IPEC regional project funded by USDOL to combat child trafficking in the Balkans region.[3917] A portion of the Social Development Fund Project is specifically aimed at funding community-based social services in poor, rural areas for disadvantaged children, such as orphans and abandoned children, and for shelters for street children. This USD 20 million project is funded by the World Bank and is slated to end in August 2006.[3918]

[3909] U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.
[3910] Bilateral agreements have been signed between Romania and the following countries: Albania, Armenia, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Moldova, Poland and Ukraine. European Network Against Child Trafficking, *A Report on Child Trafficking*, 60.
[3911] Ibid. See also U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.
[3912] With support from the Southeast European Cooperation Initiative for Combating Trans-border Crime (SECI Center), NACPA operates a pilot center in Bucharest and plans regional centers in six other counties. See U.S. Embassy- Bucharest, *reporting,* August 27, 2004. In January 2005, the former National Authority for Child Protection and Adoption (NACPA) was split into the National Authority for Child Rights Protection, subordinated to the Ministry of Labor, Social Protection and Family, and the Romanian Office of Adoptions, subordinated to the Government Council. U.S. Embassy- Bucharest, *reporting,* August 31, 2005. See also U.S. Embassy- Bucharest, *email communication to USDOL official,* August 11, 2006.
[3913] U.S. Embassy- Bucharest, *email communication to USDOL official*, August 11, 2006.
[3914] Ibid.
[3915] UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe: 2003 Update*, 44-46.
[3916] U.S. Department of State, *Country Reports- 2004: Romania*, Section 5.
[3917] ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, project document, RER/03/P50/USA, September 2003.
[3918] World Bank, *Project Appraisal Document in the Amount of US$20 Million for the Social Development Fund (02) Project*, 22876-RO, November 26, 2001, 9; available from http://www-

The government operates a supplementary nutrition program to provide milk and bread for all children attending primary school,[3919] and provides school supplies to primary school children from low-income families.[3920] The World Bank continues to support the Rural Education Project, which aims to improve teaching and learning in rural schools; improve school-community partnerships through a grants program; strengthen the capacity of the Ministry of Education and Research to monitor, evaluate, and analyze policy; and strengthen the project's management capacity.[3921]

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wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/01/10/000094946_01120704034240/Rendered/PDF/multi0page.pdf. See also World Bank, *Social Development Fund (02) Project,* [online] 2001 [cited July 1, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P068808.

[3919] The school feeding program was established under Government Order No. 96/2002 and launched in September 2002, as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program for the Elimination of the Worst Forms of Child Labor in Three Selected Metropolitan Areas in Romania - an IPEC Action Program*, Bucharest, January 2003, 5. See also U.S. Embassy-Bucharest, *reporting,* August 20, 2003.

[3920] Government Order No. 496/2001 as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program*, 5.

[3921] World Bank, *Rural Education Project,* [online] 2003 [cited July 1, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P073967.

Russia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	05/03/1979	
Ratified Convention 182	03/25/2003	
ILO-IPEC Associated Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Russia are unavailable.[3922] Children work in agriculture, construction, informal retail services, selling goods on the street, washing cars, repairing automobiles, making deliveries, collecting trash, and begging.[3923] Male children are reportedly more likely to leave school at a young age and find work.[3924] Begging in Moscow is reportedly most prevalent among children with parents who are migrants from the Central Asia republics.[3925] Children as young as 12 years old are involved in selling stolen items and drugs as well as in commercial sexual exploitation.[3926] The prevalence of harmful child labor is closely tied to child neglect, school dropout, and alcohol and drug use.[3927] Child labor is one of many problems associated with poverty. In 2002, less than 2 percent of the population were living on less than USD 1 a day.[3928]

[3922] This statistic is not available from the data sources that are used in this report. Please see the section in the front of the report titled "Data Sources and Definitions" for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[3923] ILO-IPEC, *In-Depth Analysis of the Situation of Working Street Children in Moscow 2001*, Moscow, 2002, 36; available from http://www.ilo.org/public/english/standards/ipec/simpoc/russia/ra/street_m.pdf. See also S.V. Volkova, Director, Moscow Municipal Center Children of the Streets, interview to Svetlana N. Shcheglova, March 21, 2005. See also Svetlana N. Shcheglova, "Child Labor: Rights and Guarantees of Protection from Exploitation," *Chelovek i Trud* 3 (2003), 26-28. See also A.L. Arefyev, "Russia's Neglected Children," *Sotsiologicheskiye Issledovaniya* 3 (2002).

[3924] Volkova, interview, March 21, 2005.

[3925] Ibid.

[3926] ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 36. See also Volkova, interview, March 21, 2005. See also Arefyev, "Russia's Neglected Children."

[3927] S.V. Vetelis, Deputy Chief of the Department of Psychological and Pedagogical Support of Children and Youth of the Ministry of Education and Science, Government of the Russian Federation, interview to Svetlana N. Shcheglova, April 4, 2005. A study of homeless children conducted in January and February 2002 reported that many children beg, steal, work as loaders and porters at construction sites, clean and pump petrol at gas stations, engage in prostitution, clean or remove trash or snow, and sell drugs to earn money. See Arefyev, "Russia's Neglected Children."

[3928] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

The number of street children has reportedly increased in recent years.[3929] Street children are estimated to number more than 100,000, with a potential 3 million additional children at risk of living on the streets.[3930] Without educational opportunities or family support, youth often form or join gangs or groups, participate in illegal activities, and are at risk for exploitative child labor.[3931]

Children are trafficked from Russia to Western Europe, the CIS, the Middle East, and Asia, and from rural to urban areas within the country for the purpose of commercial sexual exploitation and labor.[3932] There were reports of kidnapped or purchased children being trafficked for sexual exploitation, child pornography, or removal and sale of body parts.[3933] There are confirmed cases of sex trafficking of children and child sex tourism in Russia, a major producer and distributor of child pornography over the Internet.[3934] Male children are trafficked internally and externally for the purposes of forced labor in the construction industry.[3935] There are reports that rebel forces in Chechnya recruit and use child soldiers. These forces are also reported to use children to plant landmines and other explosives.[3936]

Although no law makes education compulsory, the Constitution holds parents responsible for ensuring their children receive a basic education. Federal law stipulates free education for all children up to grade 11, but the Law on Education allows a child to

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[3929] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Washington, D.C., February 28, 2005, Sections 5, 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41704.htm. See also ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 17. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Russian Federation*, CRC/C/15/Add.110, United Nations, Geneva, November 1999, para. 26; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f60a0928c30f787980256811003b8d5d?Opendocument.

[3930] World Bank, *Memorandum of the President of the International Bank for Reconstruction and Development and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy of the World Bank Group for the Russian Federation*, Report No: 24127-RU, Washington, D.C., May 14, 2002, 4; available from http://www.worldbank.org.ru/ECA/Russia.nsf/ECADocByUnid/B38DE4AEF2AEB41EC3256CB50033CC73/$FILE/Russia%20CAS%2024127-RU.pdf. See also U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5.

[3931] Pierella Paci, *Gender in Transition*, The World Bank, Washington, D.C., May 21, 2002, xvi, 78; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/08/23/000094946_0208130410249/Rendered/PDF/multi0page.pdf.

[3932] Donna M. Hughes, *Trafficking for Sexual Exploitation: The Case of the Russian Federation*, No. 7, IOM, Geneva, June 2002, 17; available from http://www.iom.int/documents/publication/en/mrs%5F7%5F2002.pdf. See also U. S. Department of State, *Trafficking in Persons Report- 2005: Russia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm. See also U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5.

[3933] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5.

[3934] Ibid.

[3935] Elena Tyuryukanova, *Forced Labor in the Russian Federation Today: Irregular Migration and Trafficking in Human Beings*, International Labour Office, Geneva, September 2005, 116-120.

[3936] UN General Assembly Security Council, *Children and Armed Conflict: Report of the Secretary-General*, Geneva, November 10, 2003, para. 61; available from http://daccessdds.un.org/doc/UNDOC/GEN/N05/215/07/PDF/N0521507.pdf?OpenElement.

terminate school at the age of 14 with parental and governmental approval.[3937] In 2002, the gross primary enrollment rate was 118 percent and the net primary enrollment rate was 90 percent.[3938] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Russia.[3939]

Most families pay additional fees for books and school supplies.[3940] The added expenses of uniforms, textbooks, and school services are cited by parents as reasons many children are not enrolled in school.[3941] Due to their lack of permanent residence, many Roma children and homeless children face difficulties obtaining personal identification documents. Without these, there are limitations on their use of public health, social security, and education services.[3942] Children of migrants and asylum seekers are frequently denied access to education and governmental services by country and regional authorities.[3943] Poor regions struggle to maintain basic education requirements. Vocational education graduates often lack basic skills that would enable them to enter and compete in the workforce.[3944]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years,[3945] although children may work at ages 14 and 15 with parental approval, as long as such work does not threaten their health and welfare.[3946] Employers are required to provide annual medical

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[3937] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5. See also U.S. Embassy- Moscow, *reporting*, October 22, 2002.
[3938] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[3939] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[3940] U.S. Embassy- Moscow, *reporting,* October 22, 2002.
[3941] V.I. Zolotukhina, O.Y. Lebedev, A.N. Mayorov, and Y.Y. Chepurnykh, *On Honoring and Protecting Children's Rights at Educational Institutions of the Russian Federation*, Intellekt-Tsentr, Moscow, 2003.
[3942] UN Committee on Economic Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Russian Federation*, E/C.12/1/Add.94, United Nations, Geneva, December 2003, para. 12; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/5192a0b3c292a7ecc1256e12003abf2d?Opendocument.
[3943] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Sections 2d, 5.
[3944] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$100 Million to the Russian Federation for an E-Learning Support Project*, 27757-RU, Washington, D.C., January 20, 2004, 5, 8; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/02/12/000012009_20040212103556/Rendered/PDF/276500RU.pdf.
[3945] *Labor Code*, (February 1, 2002), Article 63; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm#chap11. See also N.A. Shakina, Department Head of the Ministry of Health and Social Development and Executive Secretary of the Interdepartmental Commission for the Affairs of Minors, Government of the Russian Federation, interview to Svetlana N. Shcheglova, March 11 and 14, 2005.
[3946] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 6d.

surveys to children under 18 years old.[3947] The employment of children under 18 years old in overtime and night work is prohibited.[3948] The Labor Code guarantees 31 calendar days of paid annual leave to working children under 18 years old.[3949] The employment of children under 18 years old in unhealthy and/or dangerous conditions, underground work, as well as in jobs that may injure their health and moral development (gambling; work in night cabarets and clubs; and the production, transportation and sale of spirits, tobacco, narcotics and toxic materials) is prohibited.[3950]

The worst forms of child labor may be prosecuted under different statutes in Russia. The Constitution prohibits forced labor.[3951] The Criminal Code prohibits the use of a known minor's forced labor and imposes prison sentences of between 3 and 10 years for violations.[3952] The minimum age for military conscription is 18 years.[3953] In December 2003, the government passed comprehensive amendments to the Criminal Code that prohibit human trafficking, forced labor, the distribution of pornography, the recruitment of prostitutes, and the organization of a prostitution business.[3954] The Criminal Code punishes depraved acts (including sex and the making of pornography) with a child who is known to be under the age of 16 with penalties of up to 3 years of imprisonment.[3955] Soliciting a minor for prostitution is prohibited, punishable by up to 4 years of imprisonment.[3956] Attracting a known minor to prostitution is punishable with a sentence of between 3 and 8 years incarceration.[3957] Operating a brothel with known minors under the age of 16 is punishable with a sentence of up to 6 years of imprisonment. If the child is under the age of 14, the sentence is 3 to 10 years.[3958] The making and circulation across borders of pornography with known minors is punishable by up to 6 years of imprisonment or between 3 and 8 years of imprisonment if the child is under the age of 14.[3959] Trafficking of a known minor is punishable by a sentence of between 3 and 10 years of imprisonment. If an organized group of traffickers is involved, the sentence is extended to between 8 and 15 years.[3960] According to the U.S. Department of State, there

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[3947] *Labor Code*, Articles 265 and 266. See also Shakina, interview, March 11 and 14, 2005.
[3948] *Labor Code*, Article 268.
[3949] Ibid., Article 267.
[3950] Ibid., Article 265.
[3951] *Constitution of the Russian Federation*, Article 37 (2); available from http://www.friends-partners.org/oldfriends/constitution/russian-const-ch2.html.
[3952] *The Criminal Code of the Russian Federation*, Article 127.2; available from http://www.legislationline.org/view.php?document=62711.
[3953] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- 2004: Russian Federation*, November 2004; available from http://www.child-soldiers.org/document_get.php?id=924.
[3954] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5.
[3955] *The Criminal Code of the Russian Federation*, Article 135. See also U.S. Embassy- Moscow, *reporting,* October 22, 2002.
[3956] *The Criminal Code of the Russian Federation*, Article 151.
[3957] Ibid., Article 240.
[3958] Ibid., Article 141.
[3959] Ibid., Article 242.1.
[3960] Ibid., Article 127.1.

have been reports of corrupt government officials facilitating human trafficking.[3961] New witness protection legislation became effective in January 2005.[3962]

In 2005 the Ministry of the Interior registered 66 criminal cases of human trafficking, 22 cases of forced labor, 257 cases of recruitment of prostitutes, 2,114 cases of illegal distribution of pornography, 60 cases of the production and sale of materials containing pornographic pictures of children, and 2,196 individuals involved in crimes related to human trafficking.[3963]

Since 1999, the Government of Russia has submitted to the ILO a list of an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[3964]

The Ministry of Health and Social Development and the Federal Labor Inspectorate are responsible for the enforcement of child labor laws,[3965] but according to the U.S. Department of State, they fail to do so effectively. The ministry reported that 12,000 child labor violations were registered in 2001, the most recent year for which information is available.[3966] Violations of medical examination, overtime, and annual leave laws for children are common occurrences.[3967] The Ministry of Internal Affairs, the Ministry of Education and Science, and the General Procurator's Office are also involved with combating the worst forms of child labor.[3968]

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

The Ministry of Health and Social Development continues to work with UNICEF to establish a number of regional child rights ombudsmen, who have the authority to request enforcement actions from government agencies.[3969] The government has established a commission headed by the Minister of Health and Social Development to focus on child

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[3961] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5.
[3962] U.S. Department of State, *Trafficking in Persons Report- 2005: Russia.* See also U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5.
[3963] Ministry of the Interior, *Counteracting Trafficking in People in the Russian Federation,* [online] May 16, 2006 [cited August 17, 2006]; available from http://www.mvdinform.ru/press/release/4165/.
[3964] ILO-IPEC official, email communication to USDOL official, November 8, 2005.
[3965] U.S. Embassy- Moscow, *reporting,* October 22, 2002. See also Institute of International Socio-Humanitarian Relations, *Experience of the Implementation of the Federal Law "On the Basics of the System of Preventing Minor Child Neglect and Offenses" in Regions of the Russian Federation*, Moscow, 2004, 27-28.
[3966] U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 6d.
[3967] Institute of International Socio-Humanitarian Relations, *Experience of the Implementation of the Federal Law "On the Basics of the System of Preventing Minor Child Neglect and Offenses" in Regions of the Russian Federation*, 24.
[3968] Vetelis, interview, April 4, 2005.
[3969] Such positions have been established in the cities of Moscow, St. Petersburg, and Yekaterinburg, and in the regions of Arzamas Volkskiy, Novgorod, Chechnya, Ivanovo, and Volgograd. See U. S. Department of State, *Country Reports on Human Rights Practices- 2004: Russia*, Section 5. See also O.V. Remenets and A. Kudria, Program Managers, UNICEF Moscow Office, interview to Svetlana N. Shcheglova, March 14 and March 18, 2005.

labor and education issues.[3970] The government has conducted various awareness-raising activities on the problem of trafficking, including hosting two regional anti-trafficking conferences. In the absence of a formal anti-trafficking coordination body, a legislative working group has been established at the Duma, and NGOs and international organizations report good working relations with the government on trafficking issues.[3971]

The government is participating in ILO-IPEC projects funded by a private donor and the Government of Finland in St. Petersburg and the Leningrad Region that provide social, psychological, and educational services to children at risk of being trafficked.[3972]

The government's Children of Russia Program (2003-2006) and its subprogram, Prevention of Child Neglect and Offenses by Minors, aim to prevent child neglect, homelessness, and substance abuse by minors. The programs provide rehabilitation and support services through approximately 3,500 specialized institutions serving children and families throughout the Russian Federation. The government has dedicated 1,563,400,000 rubles (USD 54,171,864) from the federal budget to the program.[3973]

The Government of Russia's Education for All Plan seeks to improve the quality and accessibility of primary education in order to create better standards of living and increase the global competitiveness of Russia's population.[3974] The World Bank loaned Russia USD 50 million to implement an Education Reform Project that began in 2001 and will end in 2006. This project seeks to promote optimal resource allocation for education; modernize the structure of the education system; and improve the general quality and standards of education.[3975] The World Bank also loaned Russia USD 100 million to implement an e-Learning Support Project that began in 2004 and will end in 2008. This project will build capacity to produce learning materials, support teacher

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[3970] U.S. Embassy- Moscow, *reporting,* October 22, 2002. See also Shakina, interview, March 11 and 14, 2005.
[3971] U. S. Department of State, *Trafficking in Persons Report- 2005: Russia*.
[3972] ILO-IPEC official, email communication, November 8, 2005. See also ILO-IPEC, *News*, ILO-IPEC, St. Petersburg, 2004.
[3973] Government of the Russian Federation, *Prevention of Child Neglect and Offenses by Minors*, certificate, September 6, 2004. See also Shakina, interview, March 11 and 14, 2005. See also OANDA.com, *FXConvertor,* [database online] December 12, 2005 [cited December 12, 2005]; available from http://www.oanda.com/convert/classic.
[3974] Government of the Russian Federation, *Education for All: Russia's National Framework for Action*, UNESCO, October 2, 2003, 18, 19; available from http://portal.unesco.org/education/fr/file_download.php/8e40598bc1035e1ff54dfb4cc1a9e0fcEFARussia.doc.
[3975] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$50 Million to the Russian Federation for an Education Reform Project*, 21782-RU, Washington, D.C., April 30, 2001; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050474. See also World Bank, *Russian Federation- Project Portfolio: Education Reform Project ID (P050474)*, World Bank, Washington, D.C., April 25, 2005; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/RUSSIANFEDERATIONEXTN/0,contentMDK:20440936~menuPK:952979~pagePK:141137~piPK:217854~theSitePK:305600,00.html?1=1&l=e&id=43.

training on information and communication technologies, and establish a network of school resource centers.[3976]

[3976] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$100 Million to the Russian Federation for an E-Learning Support Project*. See also World Bank, *Russian Federation- Project Portfolio: e-Learning Support Project ID (P075387)*, World Bank, Washington, D.C., April 25, 2005; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/RUSSIANFEDERATIONEXTN/0,contentMDK:20440936~menuPK:952979~pagePK:141137~piPK:217854~theSitePK:305600,00.html?1=1&l=e&id=34.

Rwanda

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 4/15/1981	
Ratified Convention 182 5/23/2000	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

An estimated 27.3 percent of children ages 5 to 14 years were counted as working in Rwanda in 2000. Approximately 29.9 percent of all boys 5 to 14 were working compared with 24.8 percent of girls in the same age group.[3977] Children are found working in several sectors that the Government of Rwanda has identified as worst forms of child labor, including domestic work for third-party households;[3978] agricultural work on tea, rice, and sugar cane plantations; brick making and quarry work; rock crushing; and prostitution. Children also work in small businesses and in the informal economy.[3979] Child labor is one of many problems associated with poverty. In 2000, 51.7 percent of the population in Rwanda was living on less than USD 1 a day.[3980]

There are an estimated 6,000 street children in Rwanda,[3981] primarily in the capital of Kigali, and in provincial capitals. Street children work guarding cars and as porters, garbage collectors, and vendors, selling small items such as cigarettes and candy. Children who live on the streets, particularly girls, are at high risk of sexual abuse.[3982]

Estimates on the number of orphans in Rwanda vary. In 2002, UNAIDS, UNICEF and USAID estimated that more than 600,000 children were orphans in Rwanda.[3983] The

[3977] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[3978] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Rwanda*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41621.htm. Some families who fostered orphans expected them to perform domestic work in exchange for room and board. These children were often unable to attend school. See *Lasting Wounds, Consequences of Genocide and War on Rwanda's Children*, Human Rights Watch, New York, March, 2003, 49-50.

[3979] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 6d. See also Human Rights Watch, *Rwanda - Lasting Wounds: Consequences of Genocide and War for Rwanda's Children*, Vol. 15, No. 6, New York, March 2003, 63; available from http://www.hrw.org. See also U.S. Embassy- Kigali, conference call with USDOL official, February 24, 2004.

[3980] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[3981] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5.

[3982] Human Rights Watch, *Lasting Wounds*, 62-63.

[3983] Of this number (613,000), approximately 43 percent, or 264,000, have been orphaned by AIDS. See *Children on the Brink 2002: A Joint Report on Orphan Estimates and Program Strategies*, UNAIDS, UNICEF, and USAID, July, 2002, 22.

Government of Rwanda defines orphans as children who have lost one or both of their parents and estimates that there are 1,151,877 orphans, of which 182,625 have no parents. It is estimated that as many as 13 percent of all households are headed by children, particularly by girls.[3984] Children who head households in Rwanda care for their siblings, engage in informal work activities, primarily in subsistence agriculture, for survival, and most of them do not have adequate access to health or education services. Girls who head households are particularly vulnerable to commercial sexual exploitation,[3985] such as the exchange of sex for food, protection, school fees and other services.[3986]

Rwanda has been a source country for the trafficking of children to the Democratic Republic of the Congo (DRC) for forced labor and soldiering for the last decade.[3987] Rwanda has also been a source country for the trafficking of children for sexual exploitation.[3988] In 2005, a panel of UN experts reported that the Rwandan government Defense Forces were recruiting Congolese children living in refugee camps in Rwanda and training them to be soldiers in late 2004-early 2005. The Government of Rwanda denied all of charges in the report, and has publicly denounced the practice of recruiting child soldiers.[3989] It has also been reported that armed groups from the DRC (suspected of being part of the Congolese Rally for Democracy-Goma) recruited children from Rwandan refugee camps in 2005. Allegations that the Rwandan government was involved in the recruitment of child soldiers by the DRC-based armed groups were met with a government investigation into the incidents. The Rwandan government has stated that it was not the government's policy to recruit child soldiers.[3990]

The Constitution guarantees children in Rwanda free, compulsory primary education from the ages of 7 to 12 years.[3991] In 2002, the gross primary enrollment rate was 122

[3984] Thirteen percent represents 227,500 families. Human Rights Watch, *Lasting Wounds*, 47. Estimates of the number of child-headed households vary. The U.S. Department of State estimates that there are at least 65,000 child-headed households in Rwanda. See U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5. In 2001, the International Rescue Committee estimated that there were 45,000 child-headed households in Rwanda, and that 90% were headed by girls. See Jill Donahue John Williamson, and Lynne Cripe, *A Participatory Review of the Reunification, Reintegration, and Youth Development Program of the International Rescue Committee in Rwanda*, USAID, July, 2001, 2. The 2002 census estimated that there were 15,052 child-headed households and UNICEF estimates there are 106,000 such households. See U.S. Embassy- Kigali, email communication, August 11, 2006.

[3985] U.S. Embassy- Kigali, *reporting*, November 17, 2005. See also Human Rights Watch, *Lasting Wounds*, 47-48.

[3986] Padraig Quigley Angela Veale, Theoneste Ndibeshye, and Celestin Nyirimihigo, *Struggling to Survive: Orphan and Community Dependent Children in Rwanda*, Government of Rwanda and UNICEF, 2001, xv. Human Rights Watch, *Lasting Wounds*.

[3987] U.S. Department of State, *Country Reports on Human Rights Practices 2005: Rwanda*, Washington, D.C., March 8, 2006; available from http://www.state.gov/g/drl/rls/hrrpt/2005.

[3988] U.S. Department of State, *Trafficking in Persons Report 2006- Rwanda*, Washington, D.C., June 3, 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006..

[3989] U.S. Department of State, *Country Reports 2006: Rwanda*, Section 2d. and Section 5.

[3990] Ibid.

[3991] In some cases, children as young as 6 years can enroll in primary school. UN Committee on the Rights of the Child, *Second Periodic Reports on States Parties due in 1998*, CRC/C/70Add.22, prepared by Government of Rwanda, pursuant to Article 44 of the Convention on the Rights of the Child, October 8, 2003, para 81. U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5.

percent and the net primary enrollment rate was 87 percent.[3992] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 55.3 percent of children ages 5 to 14 years were attending school.[3993] As of 2001, 47 percent of children who started primary school were likely to reach grade five.[3994]

Although primary school fees were officially waived in 2004, most families are still required to pay fees to cover the costs of school operations. For orphaned children, school fees were typically waived. Many schools lack basic supplies and the capacity to accommodate all primary school-age children.[3995] Over half of primary school teachers lack basic qualifications.[3996] Private schools are inaccessible or too costly for the majority of the population.[3997]

Child Labor Laws and Enforcement

The Labor Code establishes the minimum age of employment at 16 years.[3998] However, the Minister of Labor can make exceptions for children aged 14 to 16, depending on the circumstances, and allow children to work with parental permission. There is a gap between the minimum legal age that children are allowed to work (16 years) and the age at which children's schooling is no longer compulsory (12 years). Children under the age of 16 years are allowed to work with their parents' or guardians' permission, but are prohibited from working between 7 p.m. and 5 a.m. or performing any work deemed hazardous or difficult, as determined by the Minister of Labor, and must have at least 12 hours of rest between work engagements.[3999] The minimum age for apprenticeships is 14 years, provided that the child has finished primary school.[4000]

The worst forms of child labor may be prosecuted under different statutes in Rwanda. Forced labor is prohibited by Article 4 of the Labor Code.[4001] The Criminal Code prohibits prostitution and compelling another person to become engaged in prostitution. These crimes are punishable by imprisonment for up to 5 years and a fine. Penalties are

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[3992] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[3993] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[3994] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[3995] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5.
[3996] Human Rights Watch, *Lasting Wounds*, *Lasting Wounds*, pg. 50. 50.
[3997] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5.
[3998] *Law No. 51/2001 Establishing the Labour Code*, (December 12, 2001), Article 11; available from www.rwandainvest.gov.rw/lawlab.htm.
[3999] Ibid., Articles 11, 60-66. U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 6d.
[4000] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 6d.
[4001] *Labour Code*, Article 4.

doubled if the crime is committed against a minor under the age of 18 years.[4002] There are also provisions for child rape and forced marriage in Rwandan law.[4003] Trafficking is not specifically prohibited by law. However, laws against slavery, forced prostitution, kidnapping, and child labor can be used to prosecute traffickers.[4004] Law No. 27/2001, Relating to the Rights and Protection of the Child against Violence, sets the minimum age for military service at 18.[4005] According to the U.S. Department of State, the Government of Rwanda is making significant efforts to comply with the minimum standards for the elimination of trafficking.[4006]

According to the U.S. Department of State, the Government of Rwanda made an effort to prevent and reduce the occurrence of child labor, however, the Ministry of Public Service and Labor and the Ministry of Local Government do not have sufficient resources to effectively enforce or prosecute the child labor laws.[4007] The Ministry of Labor maintains one office that is responsible for children's issues, but it is significantly under-funded.[4008]

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

In January 2005, the Ministry of Labor convened the first meeting of the Child Labor Forum, which seeks to address the child labor problems that are facing Rwanda, including child prostitution.[4009] UNICEF is funding several projects targeting children who are working in sectors identified as worst forms of child labor.[4010] The Ministry of Public Service, Skills Development, and Labor recently conducted an education campaign on child labor, including radio and television programs.[4011] As part of a package of judicial reforms, "child issues courts" were created in late 2004 to deal with child labor violations and other abuses against children, but they are not yet functional.[4012] Rwanda is one of four countries participating in a USDOL-funded Child Labor Education Initiative project, implemented by World Vision, to provide access to

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[4002] Government of Rwanda, *Criminal Code, as cited in the Protection Project Database,* [online database] [cited May 17, 2004], Articles 363-365, 374 [no longer available online]; available from http://www.protectionproject.org.
[4003] U.S. Embassy- Kigali, *reporting,* November 17, 2005.
[4004] U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*.
[4005] The law was passed in April 2001, and entered into force in 2002. The law, however, does not apply to military service in the Local Defense Forces. See *Lasting Wounds*, 16.
[4006] U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*.
[4007] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 6d.
[4008] U.S. Embassy- Kigali, conference call, February 24, 2004. See also U.S. Embassy- Kigali, *reporting*, August 23, 2004. See U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 6d.
[4009] The Forum includes government ministries and donors. See U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*.
[4010] These projects target children working in domestic service, on sugar cane plantations, in brickyards and quarries, and being exploited in prostitution. ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, technical progress report, INT/03/P52/USA, Geneva, March 2005.
[4011] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 6d.
[4012] U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*.

quality basic education for HIV/AIDS-affected children involved in or at risk of becoming engaged in exploitive child labor.[4013]

Rwanda has a National Policy for Orphans and Other Vulnerable Children, which includes strategies to address child labor.[4014] The Ministry of Gender and Family Promotion has drafted a 5-year Action Plan of Orphans and Vulnerable Children[4015] and also works with NGOs to provide working children, including children exploited in prostitution, with housing, medical services, and vocational education.[4016] The government currently works with NGOs to assist child-headed households and sensitize local officials to their needs.[4017] Local authorities have also sent children found on the streets to foster homes or government-run facilities. In each of the 12 provinces, the government supports safe houses for street children, where they can receive shelter and basic services.[4018] UNICEF also works with the government to support efforts to eliminate exploitative child labor and assist orphans and other children in need of special protection.[4019]

The Rwanda Demobilization and Reintegration Commission, through a special division on "ex-child soldiers," continued to implement a program to demobilize child soldiers. Many child soldiers returning from the DRC participated in the program.[4020] The second phase of the demobilization of Rwandan children was completed in 2005.[4021] The government operates a demobilization center for child soldiers returning from the DRC that provides counseling, medical screening, family mediation, clothing, and schooling. A total of approximately 600 former child soldiers have received care and services at the center.[4022] Rwanda is one of seven countries participating in a USDOL-funded ILO-IPEC program to prevent the involvement of children in armed conflict and support the

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[4013] World Vision, *Kenya, Uganda, Rwanda, Ethiopia Together (KURET)*, status report, December 2005.
[4014] Republic of Rwanda, *National Policy for Orphans and Other Vulnerable Children in Rwanda*, Ministry of Local Government, Information and Social Affairs, 2003.
[4015] This plan is currently being prepared for cabinet approval. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict, March 2005*.
[4016] U.S. Embassy- Kigali, *reporting,* November 17, 2005.
[4017] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5.
[4018] Ibid. See also U.S. Embassy- Kigali, *reporting*, August 14, 2003. The government also offers assistance by running "solidarity camps" for street children. U.S. Embassy- Kigali, conference call, February 24, 2004.
[4019] UNICEF, *At a glance: Rwanda, the big picture,* [cited June 18, 2005]; available from http://www.unicef.org/infobycountry/rwanda.html.
[4020] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5. See also ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program, country annex*, INT/03/P52/USA, Geneva, 2005.
[4021] The second phase, which lasted from 2002 to 2005, was expected to demobilize 2,500 children from Rwandan armed groups that were operating in the DRC. As of December 2004, only 560 children had been demobilized. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict, country annex*.
[4022] U.S. Department of State, *Country Reports- 2005: Rwanda*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*. The RDRC maintains three demobilization centers, one of which is dedicated exclusively to rehabilitating children who were formerly soldiers. U.S. Embassy-Kigali, *reporting,* November 17, 2005. The demobilization center for children is located in Ruhengeri Province. U.S. Department of State, *Country Reports- 2005: Rwanda*, Section 5.

rehabilitation of former child soldiers.[4023] The National Poverty Reduction Program, the Local Development Program through Labor-Intensive Public Works, and other local initiatives also provide opportunities for former child soldiers.[4024]

In an effort to curb trafficking and sexual exploitation of children, the government includes training on sex crimes and crimes against children in the police training curriculum. The government also monitors immigration patterns and border areas accessible by road.[4025] In partnership with a local NGO, the government supports healthcare services and vocational training for children involved in prostitution. In late 2004-early 2005, the government ran campaigns to raise public awareness about child sexual exploitation.[4026]

The Government of Rwanda provides assistance for orphans and other indigent children to attend secondary school through two funds.[4027] The Ministry of Education also offers "catch up" classes for children who have dropped out of school to work in the labor market,[4028] and has recently assumed responsibility for vocational training activities.[4029] The World Bank is implementing a 6-year, USD 35 million program that began in 2000 to build the capacity of the Ministry of Education. The program's objectives are to increase access to primary schools, including school construction, improve teacher training and curriculum development, provide more textbooks, and strengthen the administration of and community involvement in the educational system.[4030] UNICEF, in cooperation with other donors, is supporting the establishment of the government's National Education Statistical Information System, and has established a national Education for All committee.[4031] The World Food Program, in collaboration with the

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[4023] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, INT/03/P52/USA, Geneva, September 30, 2003.
[4024] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict, country annex*.
[4025] U.S. Department of State, *Country Reports- 2004: Rwanda*, Section 5. The Rwandan National Police trained 185 of its officers to recognize child trafficking in 2004. U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*.
[4026] U.S. Department of State, *Trafficking in Persons Report- 2005: Rwanda*.
[4027] One fund is administered by the Ministry of Local Government and Social Affairs, and provides only partial educational assistance for secondary school, and the other, The Fund for Assistance of Genocide Survivors, is a quasi-governmental agency that supports genocide survivors by providing for their basic needs, including the full amount of their school fees. Reports indicate that these funds do not sufficiently meet the needs of the target population. In some cases, budget shortfalls have led to delayed school fee payments, causing children to drop out of school. See *Lasting Wounds*, 51-52.
[4028] This accelerated learning project was designed to enable working children to reach an academic level equal to that of their peers. U.S. Embassy- Kigali, *reporting,* August 23, 2004. See also UN Committee on the Rights of the Child, *Summary Record: Rwanda, CRC/C/SR.954*, CRC/C/SR.954, prepared by Government of Rwanda, pursuant to Article 44 of the Convention on the Rights of the Child, June 3, 2004, para 40; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/5c472357037a0f37c1256ead0031a9ed?Opendocument.
[4029] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict, March 2005*. The Ministry of Labor was in the process of developing vocational training centers in each of the 12 provinces. See U.S. Embassy- Kigali, *reporting,* August 23, 2004.
[4030] World Bank Projects Database, http://www.worldbank.org (Human Resource Development Project; accessed June 21, 2005).
[4031] This committee has taken up the issue of girls' education. UNICEF, *At a glance: Rwanda, the big picture*.

Ministry of Gender and Family Promotion, is implementing school feeding programs to encourage school attendance in place of child labor.[4032]

[4032] U.S. Embassy- Kigali, *reporting,* August 23, 2004.

Saint Kitts and Nevis

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	06/03/2005	
Ratified Convention 182	10/12/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Saint Kitts and Nevis are unavailable.[4033] However, there are reports that in rural areas children often assist with livestock farming and vegetable production, and some children provide care for family members at the expense of their education.[4034] Girls often work as domestic servants or child care providers outside of their homes.[4035] In the past it has been reported that children may be involved in pornography, prostitution, and the distribution of drugs, according to the U.S. Department of State.[4036]

Education is free and compulsory between the ages of 5 and 16 years.[4037] In 2002, the gross primary enrollment rate was 112 percent, and the net primary enrollment rate was 100 percent.[4038] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Saint Kitts and Nevis.[4039] As of 1999, 87 percent of children who started primary school were likely

[4033] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[4034] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Saint Kitts and Nevis*, Washington, DC, February 28 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41772.htm.

[4035] Ibid.

[4036] U.S. Embassy- Bridgetown, *reporting,* September 2001.

[4037] Government of Saint Kitts and Nevis, *The Education Act*, No. 18 of 1975, (July 31, 1975). See also Embassy and Permanent Mission of Saint Kitts and Nevis, *Facts and Information About Saint Kitts and Nevis,* [online] [cited June 29, 2005]; available from http://www.stkittsnevis.org/facts.html.

[4038] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tab1eView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). See also World Bank, http://devdata.worldbank.org/edstats/SummaryEducationProfiles/CountryData/GetShowDat. (Summary Education Profile: Saint Kitts and Nevis; accessed May 6, 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see definition of gross primary enrollment rates in the "Date Sources and Definitions" section of this report.

[4039] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

to reach grade 5.[4040] Additionally, UNICEF reports that Saint Kitts and Nevis was recognized for having a well-developed pre-school program along with only fourteen other countries in Latin America and the Caribbean.[4041] In 2005, Saint Kitts and Nevis also ranked 49 out of 177 countries on the United Nations Human Development Report based on its literacy rate and school enrollment ratios.[4042]

Child Labor Laws and Enforcement

The 2002 Employment of Children (Restriction) Act and the Employment of Women, Young Persons, and Children Act set the minimum age for employment at 16 years of age.[4043] Both acts define a "child" as a person under 16 years of age.[4044] The law provides that persons found guilty of breaking child labor laws will be held liable to a fine of approximately USD 600.[4045]

In 2005, the Government of Saint Kitts and Nevis ratified ILO Convention 138, Minimum Age Convention.[4046]

The worst forms of child labor may be prosecuted under different statutes in Saint Kitts and Nevis. The 2002 Employment of Children (Restriction) Act and the Constitution prohibit slavery, servitude and forced labor.[4047] Although a comprehensive anti-trafficking law does not exist in Saint Kitts and Nevis[4048], trafficking can be prosecuted under various provisions of the Penal Code.[4049] Additionally, prostitution is illegal in Saint Kitts and Nevis.[4050] Procurement of persons by threats, fraud, or administering drugs for prostitution is also illegal.[4051] Kidnapping or abduction of a female under the age of 16 for sexual purposes is considered a misdemeanor offense and punishable by up

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[4040] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4041] UNICEF, *Progress for Children: A Report Card on Gender Parity and Primary Education*, Number 2, New York, April 2005.
[4042] United Nations Development Programme, *Human Development Report 2005: International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*, New York, 2005; available from http://hdr.undp.org/reports/global/2005/pdf/HDR05_HDI.pdf. See also, The Government of St. Kitts and Nevis, *St. Kitts and Nevis Will Continue to Protect Child Rights*, 2005; available from http://www.cuopm.com/printableview.asp?articlenumber=642.
[4043] ILO NATLEX National Labor Law Database, "Saint Kitts and Nevis Elimination of Child Labor, Protection of Children and Young Persons; accessed September 30, 2005," available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=KNA&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.
[4044] Ibid.
[4045] US Embassy-Regional Labor Attache, email communication to USDOL official, September 22, 2005.
[4046] ILO, http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C138 (Ratifications by Country; accessed June 16, 2005).
[4047] U.S. Department of State, *Country Reports- 2004: Saint Kitts and Nevis, Section 5*. See also *Constitution of Saint Christopher and Nevis, 1983*, Article 6 (1), (2), (June 22, 1983); available from http://www.georgetown.edu/pdba/Constitutions/Kitts/stkitts-nevis.html.
[4048] U.S. Department of State, *Country Reports- 2004: Saint Kitts and Nevis, Section 5*.
[4049] *Constitution of Saint Kitts and Nevis*.
[4050] U.S. Department of State, *Country Reports- 2004: Saint Kitts and Nevis, Section 5*, Section 5.
[4051] *Criminal Code*, Section 2; available from http://209.190.246.239/protectionproject/statutesPDF/St.Kitts&NevisF.pdf.

to 2 years of imprisonment.[4052] Engaging in sexual relations with a girl under 14 years is considered a felony, and offenders over 16 years can be sentenced to imprisonment for life.[4053] Engaging in sexual relations with girls between 14 and 15 years of age is considered a misdemeanor offense, punishable by a prison term of not more than 2 years with or without hard labor. The statute of limitations on these offenses expires one year after the incident.[4054] In 2004, the most recent period for which information is available, officials brought charges in 22 cases of alleged sexual activity with minors such as statutory rape and 5 cases of incest.[4055] The minimum age for enrollment in the Saint Kitts and Nevis security forces is 18.[4056]

The Department of Labor of Saint Kitts and Nevis is responsible for enforcing child labor laws.[4057] The Ministry has a "child labor inspector" responsible for monitoring the implementation of ILO Convention 182.[4058] The government reports that the Probation and Child Welfare Unit in the Ministry of Social Development has an active monitoring system with truancy officers.[4059] The government also has a Child Welfare Board consisting of members from the private and public sectors established in support of the 1994 Probation and Child Welfare Board Act.[4060] The Board is responsible for monitoring the rights of children, as well as providing care and protection for children.[4061] To further protect children, the government established a 10 pm curfew for unaccompanied children under 16 years of age.[4062] Vigorous action will reportedly be taken to prosecute adults responsible for these children, or adults who encourage children to partake in late night activities that would violate the curfew.[4063]

[4052] Ibid., Section 6.
[4053] Ibid., Section 3.
[4054] Ibid., Section 4.
[4055] U.S. Department of State, *Country Reports- 2004: Saint Kitts and Nevis, Section 5*, Section 5.
[4056] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report (Caribbean)*, 2004; available from www.child-soldiers.org/regions/country.html?id=180. See also Government of Saint Kitts and Nevis, *The Police Act*, No. of 2002, (2002); available from http://www.stkittsnevis.net/pdf/policeact.pdf.
[4057] U.S. Embassy- Bridgetown, *reporting,* September 2001. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Saint Kitts and Nevis*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27917.htm.
[4058] CEACR, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Saint Kitts and Nevis (Ratification: 2000)*, Geneva, 2004/75th Session 2004; available from http://webfusion.ilo.org.
[4059] Ibid.
[4060] The Protection Project, http://www.protectionproject.org/report/kitts.doc (2005 Human Rights Report on Trafficking in Persons, Especially Women and Children (Saint Kitts and Nevis); accessed June 16, 2005). See also ILO NATLEX National Labor Law Database, "Saint Kitts and Nevis Elimination of Child Labor, Protection of Children and Young Persons; accessed September 30, 2005."
[4061] The Protection Project, (2005 Human Rights Report on Trafficking in Persons, Especially Women and Children (Saint Kitts and Nevis); accessed June 16, 2005).
[4062] Government of Saint Kitts and Nevis, *"Tough Measures to Improve Public Safety and Security," The Communication's Unit-Office of the Prime Minister*, May 20, 2005; available from http://www.cuopm.com/printableview.asp?articlenumber=355.
[4063] Ibid.

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

The Government of Saint Kitts and Nevis has pledged to place high importance on access to affordable and quality education, teacher training, and regional cooperation to ensure the safe and secure transportation and flow of people as part of the Third Border Initiative Program.[4064] The objective of the initiative is to focus funding and assistance on specific programs designed to enhance cooperation between the United States and the Caribbean States in areas such as education and security, and to combat trafficking in persons and drugs.[4065]

In support of these commitments, the Department of Social and Community Development has implemented a number of education programs that benefit children to assist with community-based training and personal development activities.[4066] Such activities include summer camps designed to provide assistance to an estimated 600 children in Saint Kitts and Nevis; after-school programs targeting 30 children between 6-12 years of age and 20 teenagers at all community centers; and school-to-work transition workshops targeting individuals who did not complete school in order to help them enter the workforce.[4067] The government's comprehensive social development program provides books, uniforms, meals, and pays examination fees for school children.[4068] In 2005, the government also increased the allocation of funds towards post-secondary education to strengthen the Non-Formal Youth Skills Program and Advanced Vocational Education Center to assist children who do not perform well in school.[4069]

The Department of Gender Affairs assisted the public with unemployment, technical training, childcare, and the Viola Project, an initiative designed to encourage young mothers to complete their education, which had 17 participants in 2004.[4070]

In 2002, the Ministry of Education acquired funding from the World Bank to make secondary schools more accessible to its citizens through the construction of new schools, improvement of the curriculum and quality of teaching, provision of books and other education materials, fellowships, and other programs targeting disadvantaged youth. This program, expected to end in 2008, will encourage greater parental involvement.[4071] In 2005, the Prime Minister of Saint Kitts and Nevis reported that the government will

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[4064] Adam Ereli, *Joint Statement by the United States of America, the Caribbean Community (CARICOM) and the Dominican Republic on the Third Border Initiative*, Washington, D.C., January 13 2004; available from http://www.state.gov/r/pa/prs/ps/2004/28136.htm.
[4065] Ibid.
[4066] Government of Saint Kitts and Nevis, *2005 Budget Address by St. Kitts and Nevis Prime Minister Hon. Dr. Denzil L. Douglas*, February 22, 2005; available from <http://www.stkittsnevis.net/news.html>.
[4067] Ibid.
[4068] Ibid., 2.
[4069] Ibid., 18.
[4070] U.S. Department of State, *Country Reports- 2004: Saint Kitts and Nevis, Section 5*.
[4071] *Project Appraisal Document (OECS) Education Development Program*, The World Bank, Washington, D.C., May 15, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/11/11/000012009_20031111091449/Rendered/PDF/241590EBoard.pdf.

upgrade and modernize its education system by continuing to implement the Basic Education Project and the Secondary Education Development Project to include the construction of a new secondary school, and modernizing the management, content and delivery of secondary education.[4072]

[4072] Government of Saint Kitts and Nevis, *2005 Budget Address*.

Saint Lucia

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 12/06/2000	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Saint Lucia are unavailable.[4073] Some school age children work in rural areas and in some cases have helped to harvest bananas on family farms.[4074] Children work in urban food stalls and as street traders during non-school and festival days.[4075] Children have also become involved in commercial sexual exploitation in order to pay for basic needs, such as school fees and food.[4076]

Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, 25.4 percent of the population in Saint Lucia were living on less than USD 1 a day.[4077]

Education in Saint Lucia is compulsory between the ages of 5 and 15 years.[4078] In 2002, the gross primary enrollment rate was 112 percent and the net primary enrollment rate was 99 percent.[4079] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Saint

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[4073] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4074] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: St. Lucia*, Washington, D.C., February 28 2005, 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41773.htm. See also U.S. Embassy- Bridgetown official, email communication to USDOL official, 2005.

[4075] U.S. Department of State, *Country Reports- 2004: St. Lucia*, 6c.

[4076] Felicia Robinson, Director of Human Services and Family Services, Ministry of Health, Human Services and Family Affairs and Gender Relations, *Saint Lucia Report to the Regional Congress*, Ministry of Health, Human Services and Family Affairs and Gender Relations, 2001; available from http://www.iin.oea.org/ST_LUCIA_ing.PDF.

[4077] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[4078] U.S. Department of State, *Country Reports- 2004: St. Lucia*, 5. See also *Education Act of Saint Lucia*, No. 41 of 1999, Article 27; available from http://www.education.gov.lc/pdffiles/EducationAct.pdf.

[4079] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

Lucia.[4080] As of 2000, 97 percent of children who started primary school were likely to reach grade 5.[4081]

Child Labor Laws and Enforcement

The worst forms of child labor may be prosecuted under different statutes in Saint Lucia. The Employment of Women, Young Persons, and Children Law sets 16 years as the minimum age for employment.[4082] It also establishes 18 years as the minimum age for work in industrial settings.[4083] The Education Act of 1999 also sets the minimum age for employment at 16 years during the school year.[4084] Hazardous work is not defined in a single law, but is covered through a combination of legislation and regulations.[4085] The penalties for violation of child labor laws do not exceed USD 200, or 3 months of imprisonment.[4086] The Constitution prohibits slavery, servitude, or forced labor, except for labor required by law, court order, military service, or public emergency.[4087] The Criminal Code bans the procurement of women and girls for prostitution, as well as the abduction of any female for the purpose of forced sexual relations.[4088] Procurement is punishable with imprisonment for up to 2 years and abduction for the purpose of sexual relations is punishable with imprisonment for up to 14 years.[4089] Information on trafficking in persons is unavailable for Saint Lucia[4090] and there are currently no laws that specifically address trafficking in persons.[4091]

The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives is responsible for implementing statutes on child labor. There were no reports of violations of child labor laws in 2004, the most recent year such information is available; however there are reports that internal trafficking of minors is becoming a problem.[4092]

[4080] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4081] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4082] In 2004, the minimum age for employment increased from 14 to 16 years. U.S. Department of State, *Country Reports- 2004: St. Lucia*, Section 6d.
[4083] Government of Saint Lucia, *Employment of Women, Young Persons and Children Act*, 136. See also Government of St. Lucia, *Child Labour*, information submitted in response to U.S. government inquiry, Castries, October 12, 2004.
[4084] *Education Act*, Article 47.
[4085] ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, GB.283/3/1, Geneva, March 2002, para. 121.
[4086] U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*, September 2001.
[4087] *Constitution of Saint Lucia, 1978*, (February 22, 1979), Section 4; available from http://www.georgetown.edu/pdba/Constitutions/Lucia/Luc78.html.
[4088] The Protection Project, *Saint Lucia*, Washington, DC, March, 2002, Articles 103 and 225; available from http://www.protectionproject.org/main1.htm [no longer available online, hard copy on file].
[4089] Ibid., Articles 225 and 106.
[4090] Ibid. See also U.S. Department of State, *Country Reports- 2004: St. Lucia*, Section 5.
[4091] U.S. Department of State, *Country Reports- 2004: St. Lucia*, Section 5.
[4092] Ibid.

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

The Government of Saint Lucia has given high priority to bettering educational opportunities for its children and supports programs such as subsidized meals in a number of schools and the building of new schools.[4093] The Caribbean Development Bank approved a loan to the Government of Saint Lucia in March 2003, a portion of which is for the rehabilitation of eleven primary schools and the provision of equipment to renovate the schools.[4094]

In 2002, the Ministry of Education acquired funding from the World Bank to make secondary schools more accessible to a larger proportion of the population. The funding provides for the construction of additional schools, improvement of the curriculum and quality of teaching, provision of education materials and equipment, funding of fellowships, and other programs targeting disadvantaged youth. This program, expected to end in 2008, will encourage greater parental involvement in the education of their children.[4095]

In 2004, the World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project in Saint Lucia. It will provide psychosocial and basic material support to orphans and increase access to HIV/AIDS prevention and services for in and out of school youth, groups that are vulnerable to the worst forms for child labor. The first phase of this project is expected to end in 2007.[4096]

[4093] Ibid, U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*.

[4094] Caribbean Development Bank, *Economic Reconstruction Programme- Rehabilitation of Primary Schools and Health Centres in St. Lucia*, press release, Caribbean Development Bank, March 6, 2003; available from www.caribank.org.

[4095] The World Bank, *Project Appraisal Document for Proposed Loans and Credit in the Amount of US$5.0 Million to St. Kitts and Nevis and $6.0 Million and SDR 4.8 Million to St. Lucia*, D.C., Washington, May 15, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/11/11/000012009_20031111091449/Rendered/PDF/241590EBoard.pdf.

[4096] The World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$3.2 Million and Proposed Credit in the Amount of SDR1.15 Million and Proposed Grant in the Amount of SDR1.15 Million to Saint Lucia*, The World Bank, Washington, D.C., June 1, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/17/000012009_20040617132504/Rendered/PDF/291290SL.pdf. See also World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/PDF/272670LCR.pdf.

Saint Vincent and the Grenadines

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 12/04/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Saint Vincent and the Grenadines are unavailable.[4097] However, some children work on family-owned banana farms, mainly during harvest time, or in family-owned cottage industries.[4098] Children are also reportedly involved in commercial sexual exploitation, including boys and street children.[4099]

Education at government primary schools is free. Although education at these schools is free, other costs of school attendance must be borne by parents, such as the cost of textbooks, food, and transportation. These costs present an obstacle to poor families and contribute to children's non-attendance.[4100] Whether or not education is compulsory is unclear. In 2004, the Ministry of Education reported that there were no regulations for compulsory education.[4101] However, the 1992 Education Act provides for compulsory primary education.[4102] In 2002, the gross primary enrollment rate was 107 percent, and the net primary enrollment rate was 90 percent.[4103] Gross and net enrollment ratios are

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[4097] This statistic is not available from the date sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[4098] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Saint Vincent and the Grenadines*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41774.htm.

[4099] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.184, UN, Geneva, June 13, 2002, para. 48; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d40d2e0630491d59c1256bd6004a471f?Opendocument.

[4100] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties*, CRC/C/28/Add.18, UN, Geneva, October 10, 2001, para. 17; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/233cbd03c45af4fec1256b490053e099/$FILE/G0145063.pdf. UN Committee on the Rights of the Child, *Initial Reports of States Parties*. para. 305, 313, and 350.

[4101] Government of St. Vincent and the Grenadines, *Written correspondence*, information submitted in response to U.S. government inquiry, Kingstown, September 13, 2004.

[4102] UN Committee on the Rights of the Child, *Initial Reports of States Parties*.

[4103] UNESCO Institute for Statistics, http:stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005).

based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. As of 2001, 85 percent of children who started primary school were likely to reach grade five.[4104] Government school-feeding and textbook loan programs substantially contribute to improving the participation rate of children at the primary level.[4105] However, there is a decrease in enrollment into secondary schools as a result of a mandatory entrance exam.[4106]

Child Labor Laws and Enforcement

The Employment of Women, Young Persons, and Children's Act prohibits the employment of persons under 14 years of age in Saint Vincent and the Grenadines.[4107] Section 8 of the Act does however permit children under 14 to help their parents or guardians with light agricultural or horticultural work on family land, but only during hours when they are not in school.[4108] Children often leave school at the age of 15 and many begin to work as apprentices at that age.[4109] Any person who employs a child in an industrial undertaking is liable to a USD 100 fine for their first offense, and a USD 250 fine for each subsequent offense.[4110] Use of children for night work is also prohibited.[4111]

The Labor Inspectorate at the Department of Labor receives and investigates child labor complaints and conducts annual workplace inspections.[4112] According to the U.S. Department of State, employers are believed to generally respect the law in practice.[4113]

The worst forms of child labor may be prosecuted under different statutes in Saint Vincent and the Grenadines. Forced or compulsory labor is prohibited by the Constitution, and it is not known to occur.[4114] Furthermore, the minimum age for enrollment in the Saint Vincent and the Grenadines security force is 18 or 19.[4115] There are no laws that specifically address trafficking in persons, but there are various

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[4104] The United Nations Children's Fund (UNICEF), *The State of the World's Children 2005: Childhood Under Threat*, New York, 2004.
[4105] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 350.
[4106] Ibid., para. 318-322.
[4107] Government of St. Vincent and the Grenadines, *Written correspondence*.
[4108] Ibid.
[4109] U.S. Department of State, *Country Reports- 2004: Saint Vincent and the Grenadines*.
[4110] U.S. Embassy- Bridgetown, *reporting*, September 2001.
[4111] The Protection Project, http://www.protectionproject.org/vincent.doc (2005 Human Rights Report on Trafficking in Persons, Especially Women and Children (Saint Vincent and the Grenadines); accessed January 4, 2005).
[4112] U.S. Department of State, *Country Reports- 2004: Saint Vincent and the Grenadines*. See also U.S. Embassy- Bridgetown, *reporting,* September 2001.
[4113] U.S. Embassy- Bridgetown, *reporting,* September 2001.
[4114] *Constitution of Saint Vincent and the Grenadines*, Article 4; available from http://www.georgetown.edu/pdba/Constitutions/Vincent/stvincent79.html. See also U.S. Department of State, *Country Reports- 2004: Saint Vincent and the Grenadines*.
[4115] Coalition to End the Use of Child Soldiers, "Caribbean," in *Child Soldiers Global Report 2004*; available from http://www.child-soldiers.org/document_get.php?id=816.

provisions that could be applied to trafficking in the country's Penal Code.[4116] Causing or encouraging prostitution of girls under the age of 15 is prohibited by the Penal Code and is punishable with imprisonment for up to 7 years.[4117] It is also illegal to have intercourse with a girl under the age of 15 years.[4118] Kidnapping and abduction with the intent to take the person out of Saint Vincent and the Grenadines are offenses punishable with up to 14 years of imprisonment.[4119]

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

As of 2005, the Ministry of Education, Youth, and Sports of Saint Vincent and the Grenadines has implemented a number of efforts to prevent children from poor economic backgrounds from engaging in child labor. The ministry co-sponsors the Children Against Poverty (CAP) Vocation Program, which provides training for children from nine schools in various skills. The ministry also provides financial assistance for the purchase of school uniforms and examination fees; accessible schools and libraries; counseling support mechanisms; and a special reading and parenting program.[4120]

The Ministry of Education is also participating in the implementation of the OECS Education Strategy, through which the OECS territories aim to improve their education systems. The government is also collaborating with UNICEF, UNESCO, and other organizations to improve the level of educational services.[4121]

The Government of Saint Vincent and the Grenadines is implementing the OECS Education Development Project funded by the World Bank to support the construction and rehabilitation of schools, train teachers and administrators to design and carry out school development plans, and strengthen key elements of the education system's management at the Ministry of Education level. The project also funds literacy training and peer mentoring programs, and trains guidance counselors and special education

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[4116] U.S. Embassy- Bridgetown, *reporting*, March 8 2005. See also Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*; available from http://209.190.246.239/protectionproject/statutesPDF/St.Vincent&GrenF.pdf.
[4117] Ibid., *Article 130.*
[4118] Sexual intercourse with a girl under 13 years of age is punishable with imprisonment for life. Sexual intercourse with a girl above the age of 13 but below the age of 15 is punishable with imprisonment for up to 5 years. See Ibid., Articles 124 and 125.
[4119] Ibid., Article 201.
[4120] Government of St. Vincent and the Grenadines, *Written correspondence*.
[4121] UN Committee on the Rights of the Child, *Initial Reports of States Parties*. para 311.

specialists.[4122] The Caribbean Development Bank is also funding a Basic Education II project to improve the management of the school system.[4123]

[4122] The World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$3.1 Million and Credit in the Amount of SDR2.2 Million (US$3.1 Million Equivalent) to the Government of St. Vincent and the Grenadines for an OECS Education Development Project in support of the Third Phase of the OECS Education Development Program*, May 27 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/14/000012009_20040614170953/Rendered/PDF/290470OECS.pdf.

[4123] Caribbean Development Bank, *Pipeline Projects,* Caribbean Development Bank, [online] n.d. 2004 [cited August 11, 2004]; available from http://www.caribank.org.

Samoa

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

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable.[4124] Children work in rural areas selling agricultural products at roadside stands[4125] and in the capital city vending goods and food on the streets.[4126] Some children are reportedly forced to work for their village or its chief ("matai"), primarily on village farms. However, current law does not pertain to service to the matai, and therefore such labor is not perceived as a violation.[4127]

Although by law education in Samoa is compulsory through age 14, the U.S. Department of State reports that the government has been unable to enforce compliance and children whose families cannot afford to pay school fees do not attend.[4128] In 2002, the gross primary enrollment rate was 105 percent, and the net primary enrollment rate was 98 percent.[4129] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Samoa.[4130] In 2000, 94 percent of first graders reached grade 5.[4131]

[4124] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4125] U.S. Embassy- Apia, *reporting*, October 2001. Also Lemalu Tate Simi, email communication to USDOL official, June 23, 2005.

[4126] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Samoa*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41658.htm.

[4127] Ibid. "Matai" A head of state or unicameral legislature elected by universal suffrage and in practice composed primarily of the heads of extended families.

[4128] U.S. Department of State, *Country Reports- 2004: Samoa*, section 5.

[4129] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definition of gross primary enrollment rate in the "Data Sources and Definitions" section of this report.

[4130] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of the report for information about sources used.

[4131] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

Child Labor Laws and Enforcement

The Labor and Employment Act of 1972 sets the minimum age of employment at 15 except in "safe and light" work suited to the child's capacities.[4132] A child under the age of 15 is not permitted to work with dangerous machinery under conditions that are likely to harm physical or moral health or on a vessel that is not under the personal charge of his or her parent or guardian.[4133]

The worst forms of child labor may be prosecuted under different statutes in Samoa. The Constitution prohibits forced or bonded labor;[4134] however, work or service that is required by Samoan custom or fulfills a "normal civic obligation" is not prohibited.[4135] The Penal Code makes prostitution and the procurement of women and girls illegal in Samoa.[4136] The kidnapping of an individual with the intent to transport the individual out of the country or hold the individual for service is a crime punishable by up to 10 years of imprisonment.[4137] In addition, it is against the law to abduct any child under the age of 16 years, and to detain or take away any woman or girl with intent to cause her to have sexual intercourse with any other person.[4138]

The Ministry of Labor is responsible for responding to complaints about illegal child labor.[4139] Situations requiring enforcement of law are referred to the Attorney General.[4140]

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

The Government of Samoa has been implementing its Second Economic Strategy, entitled "Strengthening the Partnership." Included in the program are policies and strategies crafted by the Department of Education to improve the education system in the ten year timeframe between 1995 and 2005. The main goals have been to provide education based on equity, quality, relevancy, and efficiency.[4141]

[4132] Government of Samoa, *Labour and Employment Act*, (1972); available from http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/1972/Samoa_Labour.html.
[4133] Ibid.
[4134] *Constitution of the Independent State of Western Samoa*, (May 1, 1920); available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/Samoa_Constitution.html.
[4135] Ibid.
[4136] Receiving income from the prostitution of another person or soliciting for a prostitute regardless of whether compensation is received, is illegal under the Samoan Penal Code. See Government of Samoa, *Crimes Ordinance*, (January 1, 1961); available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html.
[4137] Ibid.
[4138] The crime is punishable by up to seven years of imprisonment. See Ibid.
[4139] U.S. Department of State, *Country Reports- 2004: Samoa*. section 6.
[4140] No cases were prosecuted during 2004. Ibid.
[4141] UNESCO, *EFA Goals and Targets*, 2005; available from http://www.unesco.org/wef/countryreports/samoa/rapport_1.htm.

The Ministry of Education, Sports and Culture, in connection with the ILO, has also secured funding from the UNDP to establish a National Training Authority that will set standards to meet labor market demands and develop a policy framework for an education system that is responsive to market needs. The program is scheduled to run through 2007.[4142] Australian Agency for International Development (AusAID) recently sponsored a USD 5.53 million bilateral program in Samoa to supply education materials to primary education.[4143]

Other resources to improve education have come by way of loans. The ADB has agreed to loan Samoa USD 5 million for the education sector.[4144] The loan is intended to improve access to schools for outer island residents, make the education system more efficient, and provide better quality education.[4145]

[4142] UNDP, *Samoa Country Programme 2004 - 2007,* 2004 [cited May 18, 2004]; available from http://www.undp.org.ws/CPOSamoapage.htm.
[4143] AusAID, *Aid Activities in Samoa,* 2004 [cited May 18, 2004]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=9205_8231_8940_8250_1457&CountryId=18.
[4144] ADB, *ADB Programs $15 million for Education and Energy*, June 28, 2005; available from http://www.adb.org/Documents/News/soo4/nr2004101.asp.
[4145] Ibid.

São Tomé and Principe

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 - May 4, 2005	
Ratified Convention 182 - May 4, 2005	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

An estimated 15.4 percent of children ages 5 to 14 were counted as working in São Tomé and Principe in 2000. Approximately 17.2 percent of all boys 5 to 14 were working compared to 13.5 percent of girls in the same age group.[4146] Children work in subsistence agriculture, on plantations, and in informal commerce, sometimes from an early age.[4147] A small number of children perform domestic work for more than 4 hours a day.[4148] Children also work in auto mechanic shops and as street vendors.[4149]

Education is universal and compulsory through the sixth grade and tuition-free to the age of 15.[4150] However, in practice, conditions do not permit mandatory schooling for all children through sixth grade.[4151] Schools providing education up to sixth grade are not accessible to children in remote areas, as they exist only in district capitals.[4152] Therefore, many very young children work in the absence of access to education beyond

[4146] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4147] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: São Tomé and Principe*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41622.htm.

[4148] Government of São Tomé and Príncipe, *Multiple Indicator Cluster Survey (MICS) 2000 - São Tomé and Príncipe*, UNICEF, 2000, 64; available from http://www.childinfo.org/MICS2/newreports/saotome/STPtables.pdf. See also Government of São Tomé and Príncipe, *Enquête de grappes à indicateurs multiples MICS: Rapport d'analyse*, UNICEF, July 14, 2000, 9; available from http://www.childinfo.org/MICS2/newreports/saotome/SaoTome&Principe.PDF.

[4149] Ambrósio Quaresma, *Unicef quer conhecer a realidade de mão de obra infantil em S. Tomé e Príncipe,* UNICEF, [online] [cited November 3, 2005]; available from http://www.unicef.org/saotome/trabalho.htm.

[4150] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: São Tomé and Príncipe*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27746.htm.

[4151] UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1993*, CRC/C/8/Add.49, prepared by Government of São Tomé and Príncipe, pursuant to Article 44 of the Convention on the Rights of the Child, March 4, 2003, 15.

[4152] Ibid.

fourth grade.[4153] Owing to financial constraints, the shortage of classrooms, and the deterioration in the infrastructure in place, a triple-shift system is used in primary education, involving three successive sessions of three classes in three-hour periods in the same classroom (instead of the required five hours).[4154] Average class time is severely curtailed with students effectively having only 2 to 3 hours of class time per day.[4155] The World Bank reports that government ministries coordinate poorly on education issues,[4156] and a lack of domestic funding for the school system leaves the system highly dependent on foreign assistance.[4157]

In 2001, the gross primary enrollment rate was 126 percent and the net primary enrollment rate was 97 percent.[4158] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 68.8 percent of children ages 5 to 14 years were attending school.[4159] As of 2000, 61 percent of children who started primary school were likely to reach grade 5.[4160]

Child Labor Laws and Enforcement

The minimum age for work in São Tomé and Principe is 18, and employers in the formal wage sector generally respect the legally mandated minimum employment age.[4161] The law prohibits minors from working more than 7 hours a day and 35 hours per week and allows fines to be imposed on those who employ underage workers.[4162] However, the government has not prosecuted any cases of child labor law violations.[4163]

[4153] UNICEF, *Education Programme,* [online] 2000 [cited October 28, 2005]; available from http://www.unicef.org/saotome/educatio.htm.
[4154] UN Committee on the Rights of the Child, *Initial Reports of State Parties: Sao Tome and Principe*, 15.
[4155] World Bank, *Project Appraisal Document on a Proposed Credit in the Amount of SDR 3.4 Million (US$ 5.0 Million Equivalent) and a Proposed Grant in the Amount of SDR 1.1 Million (US$ 1.5 Million Equivalent) to the Democratic Republic of São Tomé and Principe for a Social Sector Support Project*, no. 28319-STP, Washington, D.C., April 22, 2004, 1; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/04/29/000160016_20040429122636/Rendered/INDEX/28319.txt.
[4156] Ibid., 19.
[4157] Government tax revenue in 2003 constituted approximately 20.5 percent of GDP (or 41 percent of total revenues and grants), non-tax revenues constitute 49 percent of GDP (9 percent of total revenues and grants), and grants, from foreign donors, constitute 49 percent of revenues. Ibid., 37.
[4158] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[4159] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[4160] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4161] U.S. Department of State, *Country Reports- 2004: São Tomé and Principe*, Section 6d.
[4162] Ibid.
[4163] Ibid.

The worst forms of child labor may be prosecuted under different statutes in São Tomé and Principe. Laws prohibit forced or compulsory labor, including by children.[4164] The Penal Code of 1929 prohibits the commercial sexual exploitation of children, but there have been few prosecutions.[4165]

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

The Government of São Tomé and Principe is engaged in efforts to support basic education. Buying books and uniforms for school is the responsibility of the family, but the Government of São Tomé and Principe provides assistance to those who cannot afford them.[4166] The Ministry of Education and Culture, Ministry of Agriculture, Ministry of Fishing and Rural Development, Ministry of Labor and Solidarity, and Ministry of Youth and Sports all support non-formal education programs.[4167] The World Food Programme (WFP) assists the government by supplying meals to primary school students.[4168] UNICEF's school garden program provides an alternative learning environment for the students, as well as vegetables to supplement the food supplied by the WFP.[4169]

[4164] Ibid., Section 6c.
[4165] The Protection Project, *Human Rights Report: São Tomé and Principe (accessed January 6, 2006)*, Washington, D.C.; available from http://www.protectionproject.org/pub.htm.
[4166] U.S. Department of State, *Country Reports- 2004: São Tomé and Principe*, Section 5.
[4167] UNESCO, *Education Pour Tous-EPT: Plan Nacional d'Action 2002-2015*, November 18, 2002, 15; available from http://portal.unesco.org/education/en/file_download.php/7e1173d3d3e6b9fdc9ce582c6fa1e723PNA_EPT_SaoTomeetPrincipe.doc.
[4168] WFP, *World Hunger - Sao Tome and Principe,* [cited October 28, 2005]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=678.
[4169] UNICEF, *At a glance: Sao Tome and Principe,* [online] [cited October 28, 2005]; available from http://www.unicef.org/infobycountry/stp.html.

Senegal

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	12/15/1999	
Ratified Convention 182	6/1/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		

Incidence and Nature of Child Labor

An estimated 32.5 percent of children ages 5 to 14 were counted as working in Senegal in 2000. Approximately 39.2 percent of all boys 5 to 14 were working compared to 25.9 percent of girls in the same age group.[4170] Children are exploited in activities that the Government of Senegal has identified as the worst forms of child labor. Among them are begging, forced labor, prostitution, drug trafficking and illegal activities, recycling of waste and garbage, and slaughtering of animals.[4171] Children can be found working on rural family farms and in animal husbandry, fishing, rock quarrying, and gold and salt mining.[4172] Children also work in domestic service, transportation, construction, manufacturing, and automobile repair shops, restaurants, and hotels.[4173] Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, 22.3 percent of the population in Senegal were living on less than USD 1 a day.[4174]

Senegal is a source, transit, and destination country for child trafficking.[4175] Boys are trafficked within and to Senegal from The Gambia, Guinea-Bissau, Mali, and Guinea to

[4170] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4171] Government of Senegal, *Arrêté Ministériel n° 3749 MFPTEOP-DTSS en date due 6 juin 2003, fixant et interdisant les pires formes du travail des enfants*, (June 6, 2003), Art. 2; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/64610/64951/F2020269921/SEN64610.pdf.

[4172] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Senegal*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41623.htm. See also Djiga Thiao et. al., *Etude des Pires Formes de Travail des Enfants dans le Secteur de la Peche Artisanale Maritime Senegalaise: Rapport final*, Dakar, December, 2002. See also Serigne Mor Mbaye et. al., *Le Travail des Enfants dans l'Orpaillage, les Carrières et l'Exploitation du Sel*, Dakar, March, 2003. See also U.S. Embassy - Dakar, *reporting*, August 23, 2005.

[4173] U.S. Department of State, *Country Reports- 2004: Senegal*, Section 6d. See also ILO-IPEC, *Support for the implementation of the Senegal Time-Bound Programme*, project document, Geneva, September 2003, v. See also U.S. Embassy - Dakar, *reporting*, August 23, 2005.

[4174] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[4175] U.S. Department of State, *Trafficking in Persons Report- 2005: Senegal*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm.

participate in exploitative begging for Koranic teachers, considered by the Government of Senegal to be a worst form of child labor.[4176] Official statistics put the total number of these boys, known as *talibés*, at over 100,000. They are vulnerable to sexual and other exploitation.[4177] Some Koranic teachers bring children from rural areas to Senegal's major cities, holding them under conditions of involuntary servitude.[4178] *Talibés* have revealed to NGOs and shelters that they are often beaten and shackled if they do not bring their Koranic teachers a minimum amount of money at the end of each day. In fact, in 2005, two Koranic teachers were convicted and sentenced to prison for such abuse.[4179]

There are reports of young girls being trafficked from rural to urban areas for forced domestic service. Senegalese girls are also trafficked both internally and to other countries for exploitative labor and commercial sexual exploitation.[4180] Child prostitution occurs on beaches and in bars, hotels, and other tourist areas.[4181]

Articles 21 and 22 of the Constitution adopted in January 2001 guarantee access to education for all children.[4182] Education is compulsory and free up to the age of 16. However, due to limited resources and low demand for secular education in areas where Islamic education is more prevalent, the law is not fully enforced.[4183] In 2002, the gross primary enrollment rate was 80 percent, and the net primary enrollment rate was 69 percent.[4184] Gross and net enrolment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 41.2 percent of children ages 5 to 14 years were attending school.

[4176] Ibid.

[4177] ECPAT International, *Senegal,* in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=152&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports- 2004: Senegal*, Section 6d.

[4178] U.S. Department of State, *Country Reports- 2004: Senegal*, Section 6d.

[4179] U.S. Embassy – Dakar Official, email correspondence to USDOL Official, August 11, 2006.

[4180] U.S. Department of State, *Trafficking in Persons Report- 2005: Senegal*. See also U.S. Department of State, *Country Reports- 2004: Senegal*, Section 5.

[4181] ECPAT International, *Senegal*.

[4182] Government of Senegal, *Constitution*, (January 7, 2001); available from http://www.primature.sn/textes/constitution.pdf.

[4183] The government has been increasing the number of classrooms and encouraging children to stay in school. The national budget for fiscal year 2005 allocates 40% to education. See U.S. Embassy- Dakar official, email communication to USDOL official, May 31, 2005. See also U.S. Department of State, *Country Reports- 2004: Senegal*, Section 5. Reports indicate that the compulsory schooling law applies only in areas where public schools are available. See ILO-IPEC, *Support to the Time Bound Programme Elimination of the Worst Forms of Child Labour, TPR*, technical progress report, Geneva, March 11, 2005, 2.

[4184] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

Primary school attendance statistics are not available for Senegal.[4185] As of 2001, 80 percent of children who started primary school were likely to reach grade 5.[4186]

The Ministry of Labor has indicated that the public school system is unable to cope with the number of children that must enroll each year. As a result, many school-aged children seek to obtain education and training through more informal means. A large number apprentice themselves to a shop, where they receive no wages. One government official estimated there are 100,000 children apprenticed in Dakar. The ANSD reports that as of 2001, 32.5 percent of children aged 10-14 had begun their professional lives.[4187]

Child Labor Laws and Enforcement

The Constitution protects children from economic exploitation and from involvement in hazardous work.[4188] The minimum age for employment, including apprenticeships, is 15 years.[4189] With permission from the Minister of Labor, children 12 years and older may perform light work within a family setting, provided that it does not jeopardize their health, morals, or schooling.[4190] Children are prohibited from working at night, and cannot work more than 8 hours a day.[4191] Activities considered to be worst forms of child labor are prohibited by law,[4192] and children under 18 years are prohibited from engaging in hazardous work.[4193] The government has identified "extremely hard labor," including carrying heavy loads, gold mining, and work underwater; and "very dangerous work," including work with toxic chemicals, as worst forms of child labor.[4194] The law also identifies businesses in which children under 18 years are forbidden from working.[4195] In addition, children under 16 are prohibited from working on fishing

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[4185] This statistic is not available from the data sources used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4186] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4187] U.S. Embassy – Dakar Official, email correspondence to USDOL Official, August 11, 2006.
[4188] U.S. Department of State, *Country Reports- 2004: Senegal*, Section 6d. See also U.S. Department of State official, electronic communication regarding Constitution of Senegal to USDOL official, August 18, 2003. See also *Constitution*.
[4189] Government of Senegal, *Code du Travail*, Loi No. 97-17, (December 1, 1997), Article L. 145; available from http://www.gouv.sn/textes/TRAVAIL.cfm. See also Government of Senegal, *Arrêté Ministériel n° 3748 MFPTEOP-DTSS en date due 6 juin 2003, relatif au travail des enfants*, (June 6, 2003), Article premier; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/64609/64950/F1520394879/SEN64609.pdf.
[4190] *Arrêté Ministériel n° 3748 MFPTEOP-DTSS*, Article premier. See also Government of Senegal, *Arrêté Ministériel n° 3750 MFPTEOP-DTSS en date due 6 juin 2003, fixant la nature des travaux dangereux interdits aux enfants et jeunes gens*, (June 6, 2003), Article premier; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/64611/64953/F1229124862/SEN64611.pdf.
[4191] *Arrêté Ministériel n° 3748 MFPTEOP-DTSS*, Art. 3.
[4192] *Arrêté Ministériel n° 3749 MFPTEOP-DTSS*, Art. 3.
[4193] *Arrêté Ministériel n° 3750 MFPTEOP-DTSS*.
[4194] *Arrêté Ministériel n° 3749 MFPTEOP-DTSS*, Art. 2.
[4195] Government of Senegal, *Arrêté Ministériel n° 3751 MFPTEOP-DTSS en date due 6 juin 2003, fixant les categories d'entreprises et travaux interdits aux enfants et jeunes gens ainsi que l'âge limite auquel s'applique l'interdiction*, (June 6, 2003); available from http://www.ilo.org/dyn/natlex/docs/SERIAL/64612/64952/F364251671/SEN64612.pdf.

vessels.[4196] The minimum age for voluntary recruitment into the military is 18 years, and 20 years for compulsory recruitment.[4197]

Senegal has a law prohibiting the worst forms of child labor[4198] and other statutes under which the worst forms can also be prosecuted. Prostitution is illegal for youths under the age of 21, as specified by Article 327 of the Penal Code.[4199] Procuring a minor for the purpose of prostitution is punishable by imprisonment for 2 to 5 years and a fine of 300,000 to 4,000,000 CFA francs (USD 556.27 to USD 7,416.95).[4200] The Labor Code prohibits forced and compulsory labor.[4201] In April 2005, the Senegalese National Assembly adopted a law against human trafficking, which also prohibits exploitative begging and trafficking for commercial sexual exploitation.[4202] Since 1999, the Government of Senegal has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4203]

The Ministry of Labor and its Social Security Inspectors are responsible for investigating child labor cases and enforcing child labor laws. However, due to a lack of resources, inspectors do not initiate workplace visits and instead depend on violations to be reported. According to the U.S. Department of State, the Ministry of Labor monitors and enforces minimum age laws only in the formal sector, including in state-owned corporations, large private enterprises, and cooperatives.[4204]

There is a consensus among many NGOs, the media, and even some government officials that the government has the capacity to significantly reduce child labor, particularly begging. While the 2005 anti-trafficking law forbids exploitative begging, no one had been prosecuted under its provisions by the end of the year. However, according to the

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[4196] U.S. Embassy- Dakar, *reporting*, August 7, 2003. See also *Arrêté Ministériel n° 3750 MFPTEOP-DTSS*, Art. 10.
[4197] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=793.
[4198] *Arrêté Ministériel n° 3749 MFPTEOP-DTSS*, Article 3.
[4199] *Criminal Code of Senegal,* in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Senegal*, [database online] [cited June 16, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSenegal.asp.
[4200] Government of Senegal, *Criminal Code, Section V: Offenses Against Public Morals,* as cited in The Protection Project Legal Library, [database online], Articles 323, 324; available from http://209.190.246.239/protectionproject/statutesPDF/Senegal.pdf. For currency conversion see FX Converter, [online] [cited June 28, 2005]; available from http://www.oanda.com/convert/classic.
[4201] *Code du Travail*, Article L. 4.
[4202] U.S. Embassy- Dakar official, email communication, May 31, 2005. Prior to the passage of this law, in 2004, 72 child prostitutes were arrested, and 54 pimps were convicted and given prison sentences of up to ten years. See U.S. Department of State, *Trafficking in Persons Report- 2005: Senegal*.
[4203] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4204] U.S. Department of State, *Country Reports- 2004: Senegal*, Section 6d. Labor and Social Security inspectors can require a medical exam to ensure that work does not exceed a child's capabilities. See *Code du Travail*, Articles L. 141, L. 146. See also *Arrêté Ministériel n° 3748 MFPTEOP-DTSS*, Art. 14. See also *Arrêté Ministériel n° 3749 MFPTEOP-DTSS*, Art. 6. See also *Arrêté Ministériel n° 3750 MFPTEOP-DTSS*, Art. 27.

Department of State, the government's program to modernize Koranic schools offers promise in regard to addressing this issue.[4205]

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

The Government of Senegal is participating in a USD 2 million, USDOL-funded, ILO-IPEC Timebound Program focused on addressing exploitative child labor in agriculture, fishing, begging, and domestic service.[4206] The government also participates in an ILO-IPEC project, funded by France, to combat child labor in Francophone Africa.[4207] The Family Ministry, in cooperation with the Government of Italy and UNICEF, has a program to withdraw children from the worst forms of child labor, including begging, domestic work, and sexual exploitation.[4208]

The Family Ministry has also been active in promoting birth registration through awareness campaigns and registration drives. Parents often fail to register their child's birth and the result is that their child has no right to education or health care. Many such children find themselves forced to work in the informal sector.[4209]

The government also collaborates with UNICEF and NGOs to hold seminars aimed at preventing young girls from entering prostitution.[4210] UNICEF also works to increase enrollment in basic education, particularly for girls, and operates a school-feeding program in the Casamance region of Senegal.[4211]

Since 2000, the government has been implementing its Ten-Year Education and Training Program,[4212] which aims to achieve universal enrollment in primary education by 2010.[4213] The government encourages conventional as well as non-conventional modes of education, including community-based and Koranic schools.[4214] To reduce the incidence of exploitative begging, the Family Ministry has developed a new program to

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[4205] Ibid.
[4206] The 3-year program was funded in 2003. See International Child Labor Program U.S. Department of Labor, "Support for the Implementation of the Senegal Time-Bound Program, project summary."
[4207] The countries participating in this project include Benin, Burkina Faso, Madagascar, Mali, Morocco, Niger, Senegal, and Togo. See ILO- IPEC official, email communication, November 8, 2005.
[4208] The 4-year program was launched in 2002. See ILO-IPEC, *Senegal Time-Bound, project document*, 24.
[4209] U.S. Embassy – Dakar Official, email correspondence to USDOL Official, August 11, 2006.
[4210] U.S. Department of State, *Trafficking in Persons Report- 2005: Senegal*.
[4211] UNICEF, *At a glance: Senegal,* in UNICEF, [online] n.d. [cited June 20, 2005]; available from http://www.unicef.org/infobycountry/senegal.html.
[4212] Government of Senegal, *Synthèse et Réalisations du Gouvernement--Ministère de l'Education Avril 2000 - Décembre 2001,* [previously online] [cited August 14, 2003]; available from http://www.primature.sn/ministeres/meduc/bilan02.html [hard copy on file]. See also Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility Economic and Financial Policy Framework Paper: 1999-2001*, prepared in consultation with the International Monetary Fund and World Bank, Dakar, June 4, 1999, Section VI.A; available from http://www.imf.org/external/np/pfp/1999/senegal/index.htm.
[4213] Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*. Due to a delay in beginning implementation of the plan, the end year was updated from 2008 to 2010. See U.S. Department of State official, electronic communication regarding Constitution of Senegal, August 18, 2003.
[4214] UNICEF, *At a glance: Senegal*.

help support 48 Koranic schools whose teachers do not force their students into exploitative begging.[4215] The Government of Senegal also has established a program to provide education and social services to 11,000 at-risk children.[4216]

The Government of Senegal's Family Ministry operates the "Ginddi Center" in Dakar to receive and care for street children, including trafficking victims. Pursuant to Senegal's 2004 anti-trafficking accord with Mali, trafficked Malian children are kept at the Ginddi Center prior to repatriation.[4217] Children from The Gambia, Guinea-Bissau, and Guinea also receive assistance.[4218] The Center operates a 24-hour toll-free child protection hotline.[4219]

In March 2005, the Interior Ministry's new Special Commissariat began to combat sex tourism and child prostitution in Senegal's urban centers.[4220] The commissariat was not operational at year's end, however.[4221] The government has also established regional committees and an Inter-Ministerial committee to coordinate efforts to combat child labor.[4222] The Inter-Ministerial committee has drafted a national action plan for combating child labor, which must now be approved by the government.[4223]

[4215] U.S. Embassy- Dakar official, email communication, May 31, 2005.
[4216] U.S. Embassy - Dakar, *reporting,* August 23, 2005.
[4217] At the Ginddi Center children receive educational, medical, nutritional and other assistance. See U.S. Embassy- Dakar official, email communication, May 31, 2005.
[4218] U.S. Embassy - Dakar, *reporting,* August 23, 2005.
[4219] U.S. Department of State, *Trafficking in Persons Report- 2005: Senegal*.
[4220] Ibid.
[4221] U.S. Embassy – Dakar Official, email correspondence to USDOL Official, August 11, 2006.
[4222] ILO, *NATLEX National Labour Law Database,* [cited June 28, 2005], Arrêté n° 0004/GR.K du 24 janvier 2005, Arrêté n° 00004/GRT/AD du 7 janvier 2005, Arrêté n° 086 du 13 décembre 2004, Arrêté n° 00217/GRSI du 3 décembre 2004, Arrêté n° 060 du 2 décembre 2004; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SEN&p_classification=04&p_origin=COUNTRY.
[4223] U.S. Embassy – Dakar Official, email correspondence to USDOL Official, August 11, 2006.

Seychelles

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	(3/07/2000)	
Ratified Convention 182	(9/28/1999)	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Seychelles are unavailable.[4224]

Education is compulsory up to the age of 16, and free through secondary school up until age 18.[4225] Students must pay for uniforms, but not for books or tuition.[4226] In 2002, the gross primary enrollment rate was 114 percent and the net primary enrollment rate was 100 percent.[4227] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Seychelles.[4228] As of 2002, 99 percent of children who started primary school were likely to reach grade 5.[4229]

[4224] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[4225] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Initial Reports of States Parties due in 1995: Seychelles*, CRC/C/3/Add.64, United Nations, January 2002; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.64.En?OpenDocument. para. 27, 359. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Seychelles*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41624.htm.

[4226] U.S. Department of State, *Country Reports- 2004: Seychelles*, Section 5.

[4227] UNESCO Institute for Statistics, http://www.uis.unesco.org/profiles/EN/EDU/countryProfile_en.aspx?code=6900 (Gross and Net Enrolment Ratios, Primary; accessed August 2006). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rate in the "Data Sources and Definitions" section of this report.

[4228] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[4229] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

Child Labor Laws and Enforcement

Article 31 of the Constitution protects children under age 15 from economic exploitation but allows children to be employed part-time in light work that is not harmful to their health, morals, or education.[4230] The Employment Act prohibits any child under age 15 from working.[4231] It is illegal to employ children between the ages of 15 and 16 in certain forms of hazardous work, and the Minister of Employment and Social Affairs has the ability to limit categories of employment in which children of this age can participate.[4232] The Employment Act also considers children ages 16 to 18 as adults in the labor market, with no special protections for this age group.[4233] The Employment of Young Persons and Children Act of 1981, however, prohibits the employment of persons under 18 in hotels, restaurants, and shops.[4234] Violations of the minimum employment age are punishable by a fine of SCR 6,000 (USD 1,090).[4235]

The worst forms of child labor may be prosecuted under different statutes in Seychelles. The Constitution provides for freedom from slavery, servitude, or forced or obligatory labor.[4236] The Penal Code also prohibits procuring any woman or girl for purposes of prostitution or inducing her to leave the country to enter a brothel.[4237] There is no conscription, and the minimum age for voluntary military service is 18.[4238] Exceptions to this rule require written permission from a parent or guardian.[4239]

The Ministry of Employment and Social Services enforces child labor laws and investigates claims of child labor abuses.[4240]

In 2004, there were no reported cases of child labor requiring investigation by the Ministry of Employment and Social Services, no known cases of forced or bonded labor by children, and no reports of trafficking in person to, from, or within the country.[4241]

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

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[4230] UN Committee on the Rights of the Child, *Consideration of Reports: Initial Reports: Seychelles*.. para. 482. See also U.S. Department of State, *Country Reports- 2004: Seychelles*, Section 5.
[4231] UN Committee on the Rights of the Child, *Consideration of Reports: Initial Reports: Seychelles*, para. 483.
[4232] Ibid., para. 483.
[4233] Ibid., para. 484.
[4234] ILO, *Natlex: Seychelles,* [cited May 20, 2004]; available from http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=SYC.
[4235] U.S. Department of State, *Country Reports- 2004: Seychelles*, Section 6d.
[4236] Droit Francophone, *Seychelles: Constitution des Seychelles,* 2004 [cited December 2, 2004]; available from http://droit.francophonie.org/doc/html/sc/con/fr/1993/1993dfscco1.html.
[4237] The Protection Project, "Seychelles," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2005, 1; available from http://www.protectionproject.org.
[4238] UN Committee on the Rights of the Child, *Consideration of Reports: Initial Reports: Seychelles*, pg. 13.
[4239] Ibid.
[4240] U.S. Department of State, *Country Reports- 2004: Seychelles*, Section 6c.
[4241] Ibid.

The Government of Seychelles has also developed a National Plan of Action for Children 2005-2009, which sets out specific goals and actions related to the continued enforcement of all child protection laws as well as the development and well-being of children in Seychelles.[4242]

[4242] U.S. Embassy Victoria, email communication to USDOL official, August 11, 2006.

Sierra Leone

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

Incidence and Nature of Child Labor

An estimated 69.1 percent of children aged 5 to 14 years in Sierra Leone were counted as working in 2000. Approximately 69.6 percent of all boys were working compared to 68.5 percent of girls in the same age group.[4243] Children in Sierra Leone assist family businesses and work as vendors and on family subsistence farms.[4244] Street children are employed by adults to sell, steal and beg. Children also mine alluvial diamond fields.[4245] Child prostitution is an ongoing problem.[4246] Children continue to be trafficked from rural areas to the capital city of Freetown and to diamond mining areas for purposes of sexual exploitation and forced labor.[4247]

The law mandates primary school attendance for children aged 6 to 12 and the government promotes a policy of free primary education.[4248] In 2000, the gross primary enrollment rate in Sierra Leone was 79 percent. Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. As of 2000, 42.7 percent of children ages 5 to 14 years were attending school.[4249] Despite government policy on free education, schools charge

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[4243] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4244] U.S. Department of State, *Country Report on Human Rights Practices- 2004: Sierra Leone*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41626.htm.

[4245] Ibid. Section 6d.

[4246] Ibid. Section 5.

[4247] U.S. Department of State, *Trafficking in Persons Report- 2005: Sierra Leone*, Washington, D.C., June 2005, 192; available from http://www.state.gov/documents/organization/47255.pdf.

[4248] U.S. Department of State, *Country Reports- 2004: Sierra Leone*, Section 5. See also *Supplement to the Sierra Leone Gazette Vol. CXXV, No. 19; dated 1st April, 2004; The Education Act, 2004*; available from http://www.daco-sl.org/encyclopedia/3_strat/3_3/GosL_Act03_Education.pdf. See also Inaugural Address by His Excellency Alhaji Dr. Ahmad Tejan Kabbah, First Session of the First Parliament of the Third Republic, July 12, 2002; available from http://www.sierra-leone.org/kabbah071202.html. See also Government of Sierra Leone, *Letter of Intent and Memorandum of Economic and Financial Policies*, Freetown, August 12, 2002, para 5; available from http://www.imf.org/external/np/loi/2002/sle/02/index.htm. See also Women's Commission for refugee women and children, *Global Survey on Education in Emergencies*, New York, February 2004, 62; available from http://www.womenscommission.org/pdf/Ed_Emerg.pdf.

[4249] UCM analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

formal and informal fees that many families cannot afford to pay.[4250] Among the factors that reduce children's access to school are school fees and associated costs, serious overcrowding in existing schools, a shortage of trained and qualified teachers, and shortages of materials.[4251]

Child Labor Laws and Enforcement

The official minimum age for employment in Sierra Leone is 18. However, children between the ages of 12 and 18 may perform work in certain non-hazardous occupations, provided that they have parental consent.[4252]

The worst forms of child labor may be prosecuted under different statutes in Sierra Leone. The use of forced and bonded labor, including children, is prohibited by the Constitution.[4253] The "Prevention of Cruelty to Children" section of the Laws of Sierra Leone prohibits commercial sexual exploitation of children and defines a child as a person under the age of 16. For any person over the age of 16, procuring a woman or girl for prostitution is punishable by up to 2 years in prison, and soliciting of prostitution is punishable by fine.[4254] The Anti-Human Trafficking Act, enacted in August 2005, defines human trafficking as an offense and criminalizes all forms of human trafficking.[4255] The Sierra Leone Forces Act of 1961 prohibits any person under the age of 17 and a half from enlisting in the armed forces.[4256]

The Ministry of Labor, Social Security and Industrial Relations is charged with administering existing labor laws and preventing the worst forms of child labor.[4257] The Ministry of Mineral Resources enforces prohibitions against the use of child labor in mining activities.[4258] The Ministry of Social Welfare, Gender and Children's Affairs advocates for the rights and welfare of children. According to the U.S. Department of State, the government lacks the resources to enforce existing labor laws or provide children with a basic education.[4259]

[4250] U.S. Department of State, *Country Reports-2004: Sierra Leone*, Section 5.
[4251] Women's Commission for refugee women and children, *Global Survey- 2004*, 62 and 64. See also International Monetary Fund, *Sierra Leone: Poverty Reduction Strategy Paper*, Washington, D.C., June 2005, para 333; available from http://www.imf.org/external/pubs/ft/scr/2005/cr05191.pdf.
[4252] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Sierra Leone*, Washington, D.C., February 25 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27750.htm.
[4253] U.S. Department of State, *Country Reports- 2004: Sierra Leone*, Section 6c.
[4254] Government of Sierra Leone, *Prevention of Cruelty to Children Ordinance,* 1926 [cited July 1, 2005]; available from http://www.sierra-leone.org/Laws/preventionofcrueltytochildren.html.
[4255] UNICEF, *Sierra Leone Signs Anti-Trafficking Act,* UNICEF, [online] n.d. [cited September 23, 2005]; available from http://www.unicef.org/media/media_28011.html.
[4256] Coalition to Stop the Use of Child Soldiers, *Child Solidiers Global Report 2004*, London, March 2004, 96; available from http://www.child-soldiers.org/document_get.php?id=966.
[4257] Government of Sierra Leone, *MLSSIR State of the Nation Report*, Freetown, August 14, 2003, 1; available from http://www.daco-sl.org/encyclopedia/5_gov/5_2/MLIRSS/MLIRSS_state_of_nation.pdf.
[4258] Government of Sierra Leone, *Core Mineral Policy*, Freetown, November 2003, 8; available from http://www.mmr-sl.org/1_acts/SL_core_policy_Nov03.pdf. See also U.S. Department of State, *Country Reports- 2004: Sierra Leone*, Section 6d.
[4259] U.S. Department of State, *Country Reports- 2004: Sierra Leone*, Sections 5 and 6d.

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

In the area of trafficking, the government convened a legislative working group and approved comprehensive anti-trafficking legislation.[4260] The Sierra Leone Police host biweekly meetings of the Trafficking in Persons Action Committee and are working to coordinate anti-trafficking measures throughout the country.[4261]

The government finalized a poverty reduction strategy in 2005, in collaboration with the IMF and the World Bank that emphasizes expanding access to basic education, improving teacher education, improving the learning environment, and improving capacity in the education sector.[4262]

USAID is implementing a scholarship program that will award 3,000 scholarships to primary school girls. The program, which is part of the African Education Initiative announced by President George Bush in 2002, focuses on improving girls' retention and completion of primary education.[4263] The World Bank is implementing a program to assist schools to achieve a basic operational level and build the capacity of the Ministry of Education, Science and Technology to plan and manage the delivery of education services.[4264] UNICEF is engaged in projects to renovate schools, distribute teaching materials and equipment, retrain teachers, and promote girls' education.[4265] The U.S. Department of State awarded UNICEF a grant in 2005 to conduct a nationwide public awareness campaign against human trafficking that targets children.[4266] USDOL awarded the International Rescue Committee a USD 6 million grant in September 2005 to implement a Child Labor Education Initiative project in Sierra Leone and Liberia, and is working in collaboration with the Government of Sierra Leone.[4267]

[4260] UNICEF, *Sierra Leone Signs Anti-Trafficking Act.*
[4261] Ibid. See also U.S. Department of State, *Trafficking in Persons Report: Sierra Leone*, 193.
[4262] International Monetary Fund, *Sierra Leone: Poverty Reduction Strategy*, para 331.
[4263] USAID, *Girls' scholarship program begins in Sierra Leone,* Relief Web, [online] n.d. 2005 [cited July 1, 2005]; available from http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6DMRAU?OpenDocument.
[4264] World Bank Projects Database, *Sierra Leone- Rehabilitation of Basic Education Project; accessed September 26, 2005*, July 1; available from http://web.worldbank.org/external/projects/main?pagePK=64312881&piPK=64302848&theSitePK=40941&Projectid=P074320.
[4265] UNICEF, *At a glance: Sierra Leone,* UNICEF, [online] n.d. [cited July 15, 2005]; available from http://www.unicef.org/infobycountry/sierraleone.html.
[4266] U.S. Department of State, *United States Government Funds Obligated in FY 2005 for Anti-Trafficking in Persons Projects*, Washington, D.C., 2006; available from http://www.state.gov/documents/organization/65484.pdf.
[4267] The IRC project aims to improve quality and access to basic and vocational education for children who are working or are at risk of working in the worst forms of child labor. *Notice of Award: Cooperative Agreement*, U.S. Department of Labor/International Rescue Committee, Washington, D.C., September 28, 2005, 1-2.

Solomon Islands

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Solomon Islands are unavailable.[4268] Commercial sexual exploitation of children is a problem in the Solomon Islands.[4269]

Education in the Solomon Islands is not compulsory,[4270] and school fees are high relative to family incomes.[4271] Some children are reportedly denied access to education due to early entrance into work.[4272] In 2002, the gross primary enrollment rate was 107 percent and the net primary enrollment rate was 72 percent.[4273] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for the Solomon Islands.[4274]

[4268] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section in the front of the report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section titled "Data Sources and Definitions."

[4269] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, online, CRC/C/51/Add.6, Geneva, July 12, 2002, 115; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.51.Add.6.En?OpenDocument. See also ECPAT International, United Nations Economic and Social Commission for Asia and the Pacific, and UNICEF, *Delegates Agree to Strengthen Efforts to Reduce Demand for Commercial Sexual Exploitation of Children*, Bangkok, November 11, 2004; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/mtr.asp.

[4270] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 89.

[4271] U.S. Department of State, *Country Reports- 2003: Solomon Islands*, Section 5. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 90.

[4272] UN Committee on the Rights of the Child, *Concluding Observations: Solomon Islands*, CRC/C/15/Add.208, Geneva, July 2, 2003, 14; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ccf51b3b3aa93c91c1256db90024ca4c?Opendocument.

[4273] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[4274] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

Child Labor Laws and Enforcement

The Labor Act prohibits the employment of children below the age of 12. Children may participate in light agricultural or domestic labor if they are employed by, or in the company of their parents.[9] Children under the age of 15 are prohibited from working in industry or on ships, except on approved training ships, and children under the age of 18 may not work in underground mines.[10] The worst forms of child labor may be prosecuted under different statutes in the Solomon Islands. The Constitution prohibits slavery and forced labor.[4277] The procurement of girls under 18 years of age for the purposes of prostitution is prohibited under the Penal Code ("Offences Against Morality").[4278] The Penal Code provides sanctions for the abduction of children.[4279] There are no armed forces in the Solomon Islands, however the minimum age for recruitment into the border police force is 18.[4280]

The Labor Division of the Ministry of Commerce, Trade, and Industry is tasked with enforcing child labor laws,[4281] and the Commissioner of Labor is designated to implement and enforce child labor laws. According to the U.S. Department of State, the government devotes almost no resources to child labor cases. In the Ministry of Health, there are six social welfare officers. They have received limited training from international welfare groups, but no child labor investigations were conducted during 2005. There is no information on any fines, penalties or convictions relating to child labor.[4282]

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

The Government of the Solomon Islands has a National Youth Policy to address the welfare needs of youth ages 14 to 29.[4283] In order to promote access to primary education, the government has abolished school fees. The government's efforts to

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[4275] Section 84 of the Labor Act, as cited in the UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Solomon Islands,* 111.
[4276] U.S. Department of State, Country Reports-*2004: Solomon Islands,* Section 6d.
[4277] *Constitution of the Solomon Islands, 1978*, Article 6; available from http://www.vanuatu.usp.ac.fj/paclawmat/Solomon_Islands_legislation/Solomons_Constitution.html.
[4278] Penal Code, Chapter 5, Part XVI, Sections 128-146, as cited in UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*.
[4279] Section 229 of the Penal Code as cited in Ibid., 55.
[4280] Coalition to Stop the Use of Child Soldiers, *Solomon Islands* [online] [cited September 21, 2005]; available from http://www.child-soldiers.org/document-get.php?od=877.
[4281] U.S. Department of State, *Country Reports- 2003: Solomon Islands*, Section 6d.
[4282] U.S. Embassy- Port Moresby, *reporting*, September 14, 2005.
[4283] UN, *Common Country Assessment: Solomon Islands*, previously online, Office of the United Nations Resident Coordinator, 2002, 75; available from http://www.undp.org.fj/CCAs.htm [hard copy on file].

improve teacher training facilities and to provide more materials for schools have been hampered by its limited budget.[4284]

Through the UN Development Assistance Framework 2003-2007, UN agencies are working with the government to improve access, quality, and delivery of basic services, including basic education.[4285] The country's National Education Master Plan 1999-2010 includes provisions to improve the quality, scope, and relevance of education.[4286] The Ministry of Education has developed training programs and services for primary and secondary school teachers and education administrators.[4287]

Foreign assistance has helped strengthen the education system in the Solomon Islands, accounting for approximately 40 percent of the country's education costs, about USD 3 million.[4288] With assistance from the Regional Assistance Mission for the Solomon Islands (RAMSI), all of the country's schools were operating by the end of 2004, the most recent date for which information is available.[4289]

[4284] U.S. Embassy- Port Moresby, *reporting,* September 14, 2005.
[4285] UN, *Solomon Islands: United Nations Development Assistance Framework (2003-2007),* Office of the United Nations Resident Coordinator, [online] 2002 [cited July 21, 2003], Foreword, 11; available from http://www.undp.org.fj/documents/UNDAF_SOLIS_17%20JULY.doc.
[4286] Mr. Johnson Moffat Ramoni, *Education for All 2000 Assessment: Country Reports- Solomon Islands,* UNESCO, [online] [cited February 11, 2004]; available from http://www2.unesco.org/wef/countryreports/solomon_islands/rapport_3.html.
[4287] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 90.
[4288] U.S. Embassy- Port Moresby, *reporting,* September 14, 2005.
[4289] US Department of State, Country Reports-*2004: Solomon Islands,* Section 5.

Somalia

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Somalia are unavailable.[4290] Somalia's workforce is composed predominantly of farmers and nomadic herders, and, in 2004, working children were often found engaged in herding, agricultural work, and household labor.[4291] A 2002 World Bank study found urban-rural differences in the forms of employment relationship among working children; self-employment and casual labor were more often observed in urban areas, while in rural areas unpaid farm labor was the primary employment form.[4292]

Children are reportedly trafficked for forced labor and sexual exploitation by armed Somali militias; their destinations are believed to include the Middle East and Europe. Children are also reportedly trafficked to South Africa for sexual exploitation.[4293] There is a reported increase in the number of children sent to live with relatives and friends in western countries. Some of these children may work or collect welfare in their host countries and send remittances to family members in Somalia.[4294] Boys as young as 14 years of age have taken part in militia combat.[4295]

A new Somali Transitional Federal Government (TFG) was formed in October 2004. However, until June 2005, the TFG was located entirely in Nairobi, Kenya and since that time, the establishment of the TFG within Somalia was in its early stages.[4296] The Somali

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[4290] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4291] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Somalia*, Washington, D.C., February 28, 2005, Sections 1 and 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/.

[4292] World Bank, *Socio-Economic Survey Somalia 2002*, May 28, 2003, 21; available from http://www.worldbank.org/afr/so/surveydoc.htm.

[4293] U.S. Department of State, *Trafficking in Persons Report- 2005: Somalia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/. The U.S. Department of State also notes that, in 2004, "trafficking in children for forced labor was a serious problem." See U.S. Department of State, *Country Reports- 2004: Somalia*, Section 5.

[4294] U.S. Department of State, *Country Reports- 2004: Somalia*, Section 5.

[4295] Ibid.

[4296] Integrated Regional Information Networks, "Somalia: TFG preparing to begin operating from Jowhar", IRINnews.org, [online], June 22, 2005 [cited September 29, 2005]; available from http://www.irinnews.org/print.asp?ReportID=47767. See also, U.S. Central Intelligence Agency, *The*

TFG does not provide for free or compulsory education. Results from the UNICEF Primary Schools' Survey (1998-1999) indicate that 62 percent of primary schools in Somalia required families to pay fees.[4297] In a separate 1998 study, Development Solutions for Africa (DSA) estimated that school fees – by DSA estimates, approximately USD 15.60 per year for each child – were not sufficient to provide a "reasonable primary education."[4298] Somali schools at all levels are reported to be staffed with poorly trained teachers and lack textbooks and running water, as well as other items like laboratory equipment.[4299]

Gross and net enrollment, and primary school attendance statistics are not available for Somalia.[4300] Private Koranic and Madrassa schools in Somalia are inexpensive and provide basic education; according to some accounts, they require adherence to conservative Islamic practices that are outside the local custom and culture.[4301]

Child Labor Laws and Enforcement

A new Somali Transitional Federal Government (TFG) was formed in October 2004. The establishment of TFG institutions in Somalia is not yet complete, and the TFG has no means of enforcing labor laws.

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

Somalia has no national education policies or programs on child labor or education. In many cases, local community education committees (CEC) have organized to take on the task of running Somali schools. These committees are often made up of parents; teachers; members of women's, youth, and religious groups; NGO's; and business people.[4302] UNICEF has provided support and training to CEC members as part of its program to promote school enrollment and improve the quality of education and school facilities in Somalia.[4303] A 2005 European Commission grant provides 2 years of support for the continuation of UNICEF's education efforts in Somalia, which include training

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World Factbook: Somalia, June 14, 2005; available from http://www.cia.gov/cia/publications/factbook/geos/so.html.

[4297] UNESCO, *Education for All 2000 Assessment: Country Reports- Somalia,* pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/somalia/rapport_2.html.
[4298] Ibid.
[4299] U.S. Department of State, *Country Reports- 2004: Somalia*, Section 5.
[4300] These statistics are not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4301] U.S. Department of State, *Country Reports- 2004: Somalia*, Section 5.
[4302] UNICEF, *2002/3 Survey of Primary Schools in Somalia*, September, 2003; available from http://www.sacb.info/MainPubs%20and%20Docs.htm. See also, UNGEI, *The GAP Project, Stories from the Field: Somalia, Communities united around education,* (April 7, 2005), [online] [cited June 24, 2005]; available from http://www.ungei.org/gap_2005005.html.
[4303] UNICEF, *EC and UNICEF Join Hands to Support Education in Somalia,* (January 31, 2005), [online] [cited June 24, 2005]; available from http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-696HBA.

for teachers and local education authorities, school building repairs, and the creation of community learning centers that provide primary education to disadvantaged Somali populations.[4304] An international effort to improve education in Somalia is coordinated by the Education Sectoral Committee of the Somalia Aid Coordination Body (SACB), which is made up of UN agencies, donors, and international NGOs.[4305] The SACB endeavors to assist in the "reconstruction and overall development of the education sector in Somalia at all levels" and facilitate children's access to high-quality education.[4306]

[4304] Ibid.
[4305] Somalia Aid Coordination Body, *The Somalia Aid Coordination Body - Introduction,* [online] [cited June 24, 2005]; available from http://www.sacb.info.
[4306] Somalia Aid Coordination Body, *Education Sectoral Committee - Terms of Reference,* [online] [cited June 24, 2005]; available from http://www.sacb.info.

South Africa

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/30/2000	
Ratified Convention 182	6/07/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Human Trafficking)		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in South Africa are unavailable.[4307] Working children are most often found on farms and in the informal economy.[4308] More children in rural areas than urban areas are engaged in some type of work. Children work in commercial agriculture and on subsistence farms planting and harvesting vegetables, picking and packing fruit, and cutting flowers.[4309] Children perform domestic tasks in their own households and work as paid domestic servants in the homes of third parties. Many work as unpaid domestic servants, especially on rural farms.[4310] In urban areas, children work as street hawkers, especially around taxi stands and near public transportation,[4311] and as car guards.[4312] Child labor is one of many problems associated with poverty. In 2000, 10.7 percent of the population in South Africa were living on less than USD 1 a day.[4313]

There are reports that child prostitution is increasing.[4314] South Africa is a country of origin, transit, and destination for children trafficked for the purposes of commercial

[4307] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.
[4308] U.S. Consulate- Johannesburg, *reporting*, June 21, 2000, para 2.
[4309] U.S. Consulate- Johannesburg, *reporting*, September 3, 2004, para 2.
[4310] Debbie Budlender and Dawie Bosch, *Child Domestic Workers: A National Report; No 39*, ILO-IPEC, Geneva, May, 2002, ix, x; available from http://www.ilo.org/public/english/standards/ipec/simpoc/southafrica/others/domestic.pdf. See also U.S. Consulate- Johannesburg, *reporting,* June 21, 2000, para 4.
[4311] Ibid.
[4312] ILO-IPEC, *HIV/AIDS and Child Labour in South Africa: A rapid assessment*, Paper No. 4, March 2003, 27.
[4313] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.
[4314] ECPAT International, *South Africa CSEC Overview,* [database online] 2005 [cited July 1, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: South Africa*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41627.htm. Children are reportedly forced into prostitution by their parents, in order to help support their families financially. See U.S. Consulate- Johannesburg, *reporting,* September 3, 2004.

sexual exploitation and forced labor.[4315] Girls are reportedly trafficked internally and from other countries, including Swaziland, Mozambique, China, and Thailand, for the purpose of sexual exploitation.[4316] There are also reports that boys are trafficked to South Africa for forced agricultural work from neighboring countries,[4317] including Lesotho.[4318] Trafficking of children from rural areas to urban areas for the purpose of domestic service is also a problem.[4319]

The Constitution guarantees every child the right to basic education.[4320] The South African Schools Act of 1996 makes school compulsory for children ages 7 to 15 years and prohibits public schools from refusing admission to any child on the grounds of learning ability or race.[4321] Public schools may not refuse admission to students who are unable to pay school fees.[4322] Primary education is not free, but the poorest households may claim an exemption from school fees in their district.[4323]

Despite constitutional guarantees, significant barriers to education exist. Costs such as school fees, transportation, and school uniforms continue to prevent some children from attending school.[4324] HIV/AIDS orphans and children heading households face obstacles such as stigmatization, absence of adult support, and the need to work to provide meals for themselves and their siblings.[4325] Many schools also continue to face significant infrastructure and other problems that have a negative impact on the quality of education.[4326]

[4315] U.S. Department of State, *Trafficking in Persons Report- 2005: South Africa*, Washington, D.C., June, 2005, 198; available from http://www.state.gov/g/tip/rls/tiprpt/2005/. See also ECPAT International, *South Africa CSEC Overview*.

[4316] U.S. Department of State, *Trafficking in Persons Report- 2005: South Africa*, 198. See also U.S. Department of State, *Country Reports- 2004: South Africa*, Section 5. See also International Organziation for Migration, *The Trafficking of Women and Children in the Southern African Region*, Pretoria, March 24, 2003, 11; available from http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf.

[4317] U.S. Department of State, *Trafficking in Persons Report- 2005: South Africa*, 198.

[4318] International Organization for Migration, *The Trafficking of Women and Children in the Southern African Region*, Pretoria, March 24, 2003, 12; available from http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf.

[4319] U.S. Consulate- Johannesburg, *reporting,* September 3, 2004, para 5.

[4320] *Constitution of the Republic of South Africa*, (December 10, 1996), Chapter 2, Section 29(1)(a); available from http://www.concourt.gov.za/constitution/const02.html#28.

[4321]*South African Schools Act, No. 84 of 1996, (November 15, 1996), Chapter 2, Sections 3(1), 5, 6.*

[4322] Ibid., Chapter 2, Section 5(3)(a).

[4323] U.S. Consulate- Johannesburg, *reporting,* September 3, 2004, para 9.

[4324] U.S. Consulate- Johannesburg, *reporting*, October 5, 2001, para 12.

[4325] Bill Rau, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, Paper No. 1, ILO-IPEC, July 2002, 24,26.

[4326] Government of South Africa- Department of Education, *Education for All: The South African Assessment Report*, Pretoria, March 2000, 38-39. However, the 2003 Plan of Action focuses on improving the quality of schools for the poorest 40 percent of students and seeks to remove all barriers to school access in a three year span. See Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, June 14, 2003, 2.

In 2002, the gross primary enrollment rate was 106 percent, and the net primary enrollment rate was 89 percent.[4327] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for South Africa. As of 2002, 84 percent of children who started primary school were likely to reach grade 5.[4328]

Child Labor Laws and Enforcement

The Basic Conditions of Employment Act establishes the minimum age for employment at 15 years.[4329] The Employment Act allows for the Minister of Labor to set additional prohibitions or conditions on the employment of children age 15 years and over, who are no longer subject to compulsory schooling under any law.[4330] The maximum penalty for illegally employing a child, according to the Employment Act, is 3 years of imprisonment.[4331] The Constitution provides for the right of every child, defined as a person less than 18 years of age, to be protected from labor practices which are exploitative. It also prohibits children from performing work or providing services that are age-inappropriate or that jeopardize their well being or development.[4332] In July 2004, the South African Department of Labor (SADOL) passed regulations concerning the employment of children in the film, entertainment, sports, and advertising industries. Employers wishing to hire children must first apply for a license, set permissible hours, and provide schooling, transportation, and chaperone services.[4333]

The worst forms of child labor may be prosecuted under different statutes in South Africa. The Employment Act and the Constitution prohibit all forms of forced labor.[4334] The Defense Act of 2002 sets 18 years as the minimum age for voluntary, military service, military training, and conscription, even in times of national emergency.[4335] The Sexual Offences Act establishes sexual exploitation of children as a criminal offense. Children can be arrested for prostitution under the Sexual Offences Act, despite being victims of commercial sexual exploitation. Such cases, however, are generally referred by the Office of the National Director of Public Prosecutions to children's courts, which make determinations regarding children's need for care.[4336] The Child Care Act, as

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[4327] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Rations, Primary; accessed October 2005). For a detailed explanation of gross primary enrollment rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate in "Data Sources and Definitions" section of this report.
[4328] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4329] *Basic Conditions of Employment Act 75 of 1997*, (December 5, 1997), 43(1)(a)(b), 43(3), 93; available from http://www.workinfo.com/free/Sub_for_legres/data/bcea1998.htm.
[4330] Ibid., Sections 44(1), 44(2).
[4331] Ibid., Sections 43(1)(a)(b), 43(3), 44(2), 93.
[4332] *Constitution of the Republic of South Africa*, Chapter 2, Sections 28(3), 28(1)(e) and (f).
[4333] U.S. Consulate- Johannesburg, *reporting,* September 3, 2004, para 4.
[4334] *Basic Conditions of Employment Act*, 43(1)(a)(b), 43(3), 93.
[4335] Ibid., Chapter 2, Section 28(1)(i), 28(3).
[4336] Government of South Africa, *The National Child Labour Action Programme for South Africa, Draft 4.10*, Pretoria, October 2003, 21; available from

amended, sets a penalty of up to 10 years of imprisonment and/or a fine for any person who participates in or is involved in the commercial sexual exploitation of children.[4337] The Children's Bill, approved by the National Assembly in 2005, specifically prohibits the trafficking of children.[4338] Since 1999, the Government of South Africa has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4339]

The SADOL is tasked with enforcement of child labor laws. There are approximately 1,000 labor inspectors nationwide, but none focus exclusively on monitoring child labor.[4340] According to the U.S. Department of State, SADOL effectively enforces child labor laws in the formal non-agricultural sector but less so in other sectors.[4341] The Child Protection Unit (CPU) and the Family Violence, Child Protection, and Sexual Offenses Unit (FCS) within the South African Police Service also are involved in child protection issues. The CPU offers services to child victims in a sensitive way, and investigates and raises awareness of crimes against children. There are 28 CPUs and 14 FCSs located across the country.[4342]

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

The government is implementing the National Program of Action for Children (NPA). The Office on the Status of Children coordinates the plan and also coordinates all policies concerning child welfare and child related programs.[4343] The South African Social Security Agency provides social grants to children aged 13 years and under to assist them with meeting basic necessities and staying out of the workforce.[4344]

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http://www.labour.gov.za/useful_docs/doc_display.jsp?id=9503. See also *Forbidden or forgiven? The legal status of sex work in South Africa,* Community Law Centre, October 1999 [cited July 5, 2005]; available from http://www.communitylawcentre.org.za/gender/gendernews1999/1999_2_sex.php#sex.

[4337] The Act also provides the same penalties for anyone who owns, leases, manages, or occupies property where CSEC occurs and knowingly fails to report it to the police. *Child Care Amendment Act*, (1999), Section 50A.

[4338] U.S. Department of State, *reporting*, November 15, 2005, para 2.

[4339] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[4340] U.S. Consulate- Johannesburg, *reporting,* September 3, 2004.

[4341] Ibid., para 5. See also U.S. Department of State, *Country Reports- 2004: South Africa*, Section 6d. See also U.S. Consulate- Johannesburg, *reporting,* October 5, 2001, para 8.

[4342] *Child Protection Unit,* South African Society for the Prevention of Child Abuse and Neglect, December 2, 2002 [cited July 5, 2005]; available from http://www.saspcan.org.za/childprot.htm. See also *Establishment of the SA Police Child Protection Unit,* Crime Busters of South Africa, March 2000 [cited May 20, 2004]; available from http://www.100megspop2.com/crimebusters/ChildAbuse.html.

[4343] Office of the President, Joint Committee on Children, Youth, and Persons with Disabilities, June 13, 2003; available from http://www.pmg.org.za/docs/2003/viewminute.php?id=2914. See also Statement: United Nations General Assembly Special Session on Children, May 8, 2002; available from http://www.gcis.gov.za/media/minister/020508.htm. See also *National Programme of Action: 2000 and Beyond,* Office of the Rights of the Child, [website] 2004 [cited December 13, 2005]; available from http://www.children.gov.za/About.html.

[4344] U.S. Consulate- Johannesburg, *reporting*, September 1, 2005, paras 1 and 2c. See also, Government of South Africa, *National Child Labour Action Programme*, 19.

The SADOL chairs the Child Labor Intersectoral Group (CLIG), a national stakeholder group that coordinates child labor activities conducted by the government, unions, and NGOs, and raises awareness about child labor and the enforcement of child labor laws.[4345] The SADOL also is slated to coordinate implementation of the Child Labor Action Plan (CLAP) which aims to eliminate exploitative child labor.[4346] The CLAP is currently in draft form.[4347]

In collaboration with the government, ILO/IPEC is implementing a USD 5 million USDOL-funded regional child labor project in Southern Africa, which includes South Africa. Efforts in South Africa are focused on supporting the Government of South Africa's Child Labor Action Plan through awareness-raising, enhancing capacity for policy implementation and monitoring, and direct action programs.[4348] The American Institutes for Research is also implementing a USD 9 million regional Child Labor Education Initiative project funded by USDOL in Southern Africa, and is working in collaboration with the Government of South Africa to improve quality and access to basic and vocational education for South African children who are working in, or are at risk of working in, the worst forms of child labor.[4349]

In the past year, the government continued to provide training to the police and judiciary on anti-trafficking in persons activities.[4350] Government-owned radio and TV stations supported activities by the International Organization for Migration to raise public awareness of the trafficking issue.[4351]

UNICEF also supports activities aimed at improving access to primary education, increasing support for early childhood development, and protecting children's rights.[4352] The government continues to allocate more resources to the most deprived schools in its provinces and to disadvantaged black African children.[4353] The Department of Education is implementing an action plan to improve access to free and quality basic education for

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[4345] There are 10 CLIG offices located in the provinces. See Fatima Bhyat, *Meeting Notes*, prepared by USDOL official, July 26, 2000. See also Dawie Bosch & Associates, *Towards a National Child Labour Action Programme for South Africa*, Pretoria, October 2002, 8; available from http://www.labour.gov.za/useful_docs/doc_display.jsp?id=9504.
[4346] Government of South Africa, *National Child Labour Action Programme*, 2,3,10.
[4347] U.S. Consulate- Johannesburg, *reporting,* September 1, 2005, para 2d.
[4348] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labor in South Africa's Child labor Action Programme and laying the basis for concerted action against Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, September 30, 2003, 30.
[4349] *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.
[4350] U.S. Department of State, *Country Reports- 2004: South Africa*, Section 5.
[4351] U.S. Department of State, *reporting,* November 15, 2005, para 10.
[4352] UNICEF, *At a glance: South Africa,* UNICEF, 2005 [cited June 16, 2005]; available from http://www.unicef.org/infobycountry/southafrica.html.
[4353] U.S. Department of State, *Country Reports- 2004: South Africa*, Section 5. See also Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, Foreword. See also Government of South Africa- Department of Education, *Education for All: South Africa*, 26, 27, 32.

the most disadvantaged learners.[4354] The government also provides up to 4.6 million students with school meals.[4355]

[4354] Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, Foreword.
[4355] UN Integrated Regional Information Network, "South Africa: 4.6 million children rely on school meals," IRINnews.org, [online], July 2, 2004 [cited July 3, 2005]; available from http://www.irinnews.org/report.asp?ReportID=41983&SelectRegion=Southern_Africa&SelectCountry=SOUTH_AFRICA.

Sri Lanka

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/11/00	
Ratified Convention 182 3/1/01	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plans (Trafficking, War-Affected Children)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Sri Lanka are not available.[4356] According to the Government of Sri Lanka's 1999 Child Labor Survey in Sri Lanka, the majority of working children are in the agricultural sector.[4357] Children also work in the informal sector and in family enterprises, in small restaurants, stores, repair shops, and hotels; in small-scale manufacturing and crafts; as street peddlers;[4358] and as domestic servants.[4359] Some children from rural areas are reportedly victimized in debt bondage as domestic servants in urban households.[4360] Child labor is one of many problems associated with poverty. In 2000, 7.6 percent of the population in Sri Lanka were living on less than USD 1 a day.[4361]

The government estimates that more than 2,000 children are engaged in prostitution. Some local groups estimate the number of child prostitutes as closer to 6,000, however. The majority of children engaged in prostitution are exploited by local citizens, though

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[4356] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4357] Approximately 64 percent of working children ages 5 to 17 years were found in the agricultural sector. See Department of Census and Statistics and Ministry of Finance and Planning, *Child Labor Survey in Sri Lanka*, Government of Sri Lanka, 1999, Table 3.16; available from http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/report/srilanka99.pdf.

[4358] Department of Census and Statistics, *Summary of Findings of Child Labor Survey in Sri Lanka,* Government of Sri Lanka, [online] 1999 [cited July 6, 2005]; available from http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/report/srilan99/indexpr.htm. See also U.S. Embassy- Colombo, *reporting*, September 8, 2005. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Sri Lanka*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41744.htm.

[4359] The situation of domestic service is not regulated or well documented, although the numbers of children employed in domestic service are reported to be in the thousands. See Nayomi Kannangara, Harendra de Silva, and Nilaksi Parndigamage, *Sri Lanka Child Domestic Labour: A Rapid Assessment*, ILO-IPEC, Geneva, September 2003, 12; available from http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/ra/domestic.pdf. See also Bharati Pflug, *An overview of child domestic workers in Asia*, 2003, 5, 13; available from http://www.ilo.org/public/english/standards/ipec/publ/childdomestic/overview_child.pdf.

[4360] U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 6c and 6d.

[4361] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

there are reports of sex tourism as well.[4362] Children are reportedly trafficked internally and to the Middle East, Singapore, Hong Kong, and South Korea for sexual exploitation and other forms of exploitative labor.[4363] Some internally-trafficked children, mostly boys, are lured from the conflict-ridden northern and eastern provinces to southern beach and mountain resorts to work in the sex industry, sometimes at their parents' request.[4364]

The use of children in armed conflict remains a pressing concern.[4365] Reports indicate that the Liberation Tigers of Tamil Eelam (LTTE) continue to heavily recruit thousands of children as soldiers, often forcibly. The LTTE recruit and abduct children as young as 13 to serve in combat and in various battlefield support functions. There are no indications that the government is using child soldiers.[4366] Many of those recruited by the LTTE are girls.[4367] Reports indicate that at the beginning of 2005 there were over 5,000 children in the ranks of the LTTE, and more were abducted from religious gatherings in the east during the year.[4368]

The Indian Ocean tsunami that hit Sri Lanka on December 26, 2004 killed over 31,000 people in Sri Lanka and displaced over 519,000.[4369] Thousands of children were orphaned or separated from their families, increasing their vulnerability to trafficking and other worst forms of child labor.[4370] There were reports of traffickers exploiting the post-

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[4362] See Ibid., Section 5. See also ECPAT International CSEC Database, *Sri Lanka; accessed June 28, 2005*; available from http://www.ecpat.net.

[4363] U.S. Department of State, *Trafficking in Persons Report-2005: Sri Lanka*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm..

[4364] Organized crime networks are also implicated in the internal trafficking of children. U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 5. See also Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002, 16; available from http://www-ilo-mirror.cornell.edu/public/english/standards/ipec/simpoc/srilanka/ra/cse.pdf.

[4365] U.S. Embassy- Colombo, *reporting*, September 8, 2005. From 1983 to 2001, the Government of Sri Lanka fought the LTTE, an armed terrorist group fighting for a separate ethnic Tamil state in the North and East of the island. The parties signed a peace accord in 2002, but both parties continue to violate this agreement. See U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Introduction.

[4366] Human Rights Watch, *World Report 2005*, New York, January, 2005, 322; available from http://hrw.org/english/docs/2005/01/13/slanka9854.htm. See also U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 5. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=878.

[4367] A 2004 UNICEF study estimated that up to 43 percent of children involved in the Sri Lanka conflict are girls. See Save the Children- UK, *Girls and Conflict - Forgotten Casualties of War*, London, April 27, 2005, I; available from http://www.rb.se/NR/rdonlyres/C0A44378-E6CE-4C74-9EF5-535E673B8FD1/0/GirlsandConflictForgottencasualtiesofwar.pdf.

[4368] U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 5. There were reports of the LTTE abducting 15- and 16-year olds from Hindu temple festivals in Batticaloa district in May and June. See Coalition to Stop the Use of Child Soldiers, *Sri Lanka: Coalition of rights groups urges Tamil Tigers to stop recruiting children at Hindu temple festivals*, press release, London, June 13, 2005; available from http://www.child-soldiers.org/document_get.php?id=1020.

[4369] Figures as of May 2005. See USAID, *Indian Ocean - Earthquakes and Tsunamis, Fact Sheet #38, FY2005*, May 6, 2005; available from http://www.usaid.gov/locations/asia_near_east/tsunami/pdf/Indian_Ocean_EQ_and_TS_FS38-05.06.05.pdf.

[4370] ILO-IPEC, *Emergency response to child labour in selected Tsunami affected areas in Sri Lanka*, project document, Geneva, February 25, 2005, 5, 6, 36. As of March 2005 it was estimated that 1,100

disaster situation to abduct and sell orphans and other vulnerable children,[4371] and of the LTTE recruiting child soldiers from camps set up for tsunami survivors.[4372]

Sri Lanka's Constitution guarantees the right to universal and equal access to education.[4373] Primary education is compulsory for children ages 5 to 14 years,[4374] and the government provides free education through the university level.[4375] In 2003, the gross primary enrollment rate was 111 percent.[4376] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect school attendance. Primary school attendance statistics are not available for Sri Lanka.[4377] Sri Lanka's education facilities were negatively affected by the tsunami and ongoing armed conflict, and many children remained out of school, particularly in the northeast.[4378] After the tsunami, an estimated 72,000 children were left

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children had been orphaned, and 3,600 had lost one parent. See UNICEF, "Caring for children growing up alone after the tsunami", UNICEF, [online], March 1, 2005 [cited July 7, 2005]; available from http://www.unicef.org/infobycountry/24615_25298.html.

[4371] UNICEF Press Center, *How to protect children in the tsunami zone*, press release, London, January 8, 2005; available from http://www.unicef.org/media/media_24771.html. See also Juliette Terzieff, "From Tragedy to Slavery", AlterNet.org, [online], January 24, 2005 [cited December 13, 2005]; available from http://www.alternet.org/module/printversion/21030.

[4372] Human Rights Watch, *Sri Lanka: Child Tsunami Victims Recruited by Tamil Tigers*, Child Tsunami Victims Recruited, press release, New York, January 14, 2005; available from http://hrw.org/english/docs/2005/01/14/slanka10016.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Sri Lanka*.

[4373] Right to Education Project, *Constitutional Guarantees: Sri Lanka,* Right-to-Education.org, [database online] n.d. [cited June 28, 2005]; available from http://www.right-to-education.org/content/consguarant/sri.html.

[4374] Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*, (November 18, 1997). This regulation is the implementing legislation of the Education Ordinance of 1940. See also ILO, *National Legislation and Policies Against Child Labour in Sri Lanka,* [online] March 21, 2005 [cited July 5, 2005]; available from http://www.ilo.org/public/english/region/asro/newdelhi/ipec/responses/srilanka/national.htm.

[4375] U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 5. Despite ongoing educational reforms since 1999, education authorities and parents in rural and conflict-affected areas are not fully informed that education is to be free and compulsory. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Sri Lanka*, Geneva, July 2, 2003, para. 42.

[4376] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[4377] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[4378] During 2004, thousands of war-affected children were re-enrolled in school or accelerated learning programs, and hundreds of war-damaged schools in the northeast were repaired, but many children still lacked access to educational facilities, and there remained a need for trained teachers and social workers. See UNICEF Press Center, *Stalled peace negotiations in Sri Lanka harm children*, press release, Colombo, September 9, 2004; available from http://www.unicef.org/media/media_23433.html.

without access to schools,[4379] and the Ministry of Education (MOE) delayed the start of the 2005 school year.[4380]

Child Labor Laws and Enforcement

Under the Employment of Women, Young Persons, and Children Act of 1956, the minimum age for employment in most occupations in Sri Lanka is 14 years.[4381] Under the Act, children may be employed in family-run agricultural enterprises or as part of technical training activities, but not during school hours; for more than 2 hours on a school day or Sunday; between the hours 8 p.m. and 6 a.m.; or in any activities that jeopardize health or education. The Act limits the work hours of young people age 16 years and below to 9 per day, and the work hours of young people ages 17 to 18 years to 10 per day.[4382] The Act prohibits young people under 18 from working in industrial facilities after 11 p.m., except in certain training or apprenticeship situations.[4383] Amendments to the Act in 2003 increased penalties for child labor violations to Rs. 10,000 (approximately USD 98) and 12 months of imprisonment.[4384] The Factories Ordinance requires medical certification of children under 16 years prior to employment, and prohibits children below 18 years from engaging in hazardous employment.[4385]

The worst forms of child labor may be prosecuted under different statutes in Sri Lanka. Forced labor by persons of any age is prohibited under the Abolition of Slavery Ordinance of 1844, and Article 360 of the Penal Code prohibits buying, selling or bartering any person for money or any other consideration .[4386] The Penal Code also contains provisions prohibiting sexual violations against children, defined as a person under 18 years, particularly with regard to child pornography, child prostitution, and the

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[4379] Steve Nettleton, "UNICEF Executive Director Ann M. Veneman visits tsunami-affected areas in Sri Lanka", UNICEF, [online], June 17, 2005 [cited June 28, 2005]; available from http://www.unicef.org/emerg/disasterinasia/24615_27438.html.

[4380] ILO-IPEC, *Tsunami affected areas in Sri Lanka, project document*, 6.

[4381] Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act*, No. 47 of 1956 and No. 43 of 1964, (November 7, 1956), Part III, Articles 13 and 34 (1). Some sector-specific laws also specify 14 years as the minimum age for employment. See Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*, Article 10 (1). The minimum age for employment at sea is 15 years. See U.S. Embassy- Colombo, *reporting*, August 18, 2003.

[4382] *Employment of Women, Young Persons, and Children Act Nos. 47 of 1956 and 43 of 1964*, (November 7), Article 13. See also U.S. Embassy- Colombo, *reporting*, August 18, 2003.

[4383] *Employment of Women, Young Persons, and Children Act of 1956*, Articles 2(1), 3(4-6), and 34.

[4384] Government of Sri Lanka Ministry of Employment and Labour, *Performance Report - 2003,* Government of Sri Lanka, [online] n.d. [cited July 7, 2005]; available from http://www.labour.lk/labour_foreign_relation_report.html#Employment%20of%20Women,%20Young%20persons%20and%20Children%20(Amendment)%20%20Act.%20No.%208%20of%202003. For currency conversion, see FXConverter, [online] [cited December 16, 2005]; available from http://www.oanda.com/convert/classic.

[4385] U.S. Embassy- Colombo, *reporting*, August 18, 2003.

[4386] Government of Sri Lanka, *Report of the Democratic Socialist Republic of Sri Lanka on Efforts by GSP Beneficiary Countries to Eliminate Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Colombo, August 19, 2005, 1.

trafficking of children.[4387] Trafficking for sexual exploitation is punishable by imprisonment of 2 to 20 years and fines of USD 100 to 500; trafficking for labor exploitation is punishable by 5 months' to 5 years of imprisonment and fines of USD 500 to 2,000.[4388] The Sri Lankan parliament passed a law in 2005 to prevent and combat trafficking in women and children for prostitution, but the law will not take effect until implementing regulations are written.[4389] The minimum age for recruitment into the armed forces is 18 years.[4390] Following the tsunami, the government passed a new law to protect children affected by the disaster.[4391]

In 2004, the National Labor Advisory Council chaired by the Minister of Labor formally adopted a list of occupations considered to be the worst forms of child labor in Sri Lanka, but no progress was made in 2005 to codify the list in laws and regulations.[4392] Since 1999, the Government of Sri Lanka has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4393]

The Women and Children's Affairs Division (WCAF) of the Department of Labor is the focal point in the Sri Lankan government for child labor issues.[4394] The Department of Labor and the Department of Probation and Child Care Services enforce child labor laws, often in collaboration with the police.[4395] In the first half of the year, the Department of Labor received 63 complaints of child labor violations, of which 20 were prosecuted.[4396] Most child labor offenses are prosecuted by the police, under the Penal Code.[4397] The National Child Protection Authority (NCPA) is the primary oversight agency for the protection of children, and its anti-trafficking unit coordinates governmental anti-

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[4387] Government of Sri Lanka, *Penal Code (Amendment), 1995*, Act No. 22, Articles 286A (1) and (2), 360A, and 360B. See also Government of Sri Lanka, *Penal Code (Amendment), 1998*, Act no. 29, Articles 288A(1) and (2), and 360A (1) and (2).
[4388] U.S. Embassy- Colombo, *reporting*, March 2, 2005.
[4389] Ibid., September 8, 2005.
[4390] Coalition to Stop the Use of Child Soldiers, *Global Report 2004*.
[4391] ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, technical progress report, Geneva, March 14, 2005, 3. See also ILO-IPEC, *Tsunami affected areas in Sri Lanka, project document*, 2.
[4392] The number of occupations included in the list is unclear; varying sources state that the list contains 25, 49, or 50 occupations. ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182), Sri Lanka (ratification: 2001),* [online] 2004 [cited December 16, 2005]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN. See also U.S. Embassy- Colombo, *reporting*, August 23, 2004, August 23, 2004. The list will have legal effect under the Employment of Women, Young Persons and Children Act, but the Act does not contain a general prohibition on children under age 18 engaging in hazardous work, and lacks enabling provisions to make regulations to prohibit hazardous labor. U.S. Embassy- Colombo, *reporting*, September 8, 2005. In the meantime, a legal review has been conducted and a Cabinet Paper prepared to enable the Minister of Labor to amend existing regulations. See ILO-IPEC, *TICSA Phase II, technical progress report, technical progress report*, 3.
[4393] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4394] ILO-IPEC, *Tsunami affected areas in Sri Lanka, project document*, 11.
[4395] Government of Sri Lanka, *Report of Sri Lanka on Efforts to Eliminate Worst Forms of Child Labour*, 6.
[4396] U.S. Embassy- Colombo, *reporting*, September 8, 2005.
[4397] Government of Sri Lanka, *Report of Sri Lanka on Efforts to Eliminate Worst Forms of Child Labour*, 6. See also U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 6d.

trafficking activities.[4398] The NCPA's Cyber Watch unit monitors the internet for advertisements soliciting children for child pornography and pedophilia in Sri Lanka.[4399]

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

In 2005 the government integrated its Policy and Plan of Action to Eliminate the Worst Forms of Child Labor into the National Plan of Action for Children 2004-2008. The Ministry of Labor Relations has committed a budget to implement the child labor components of the plan, which include strengthening child labor laws and enforcement; improving the availability of child labor data; increasing vocational training programs for out-of-school youth; sensitizing the public to child labor issues; and reducing domestic child labor by 30 percent each year.[4400] However, progress toward these goals is unclear due to the impact of the tsunami. The NCPA conducts public awareness-raising activities through the media, and provides training on child protection issues, including child labor, for government and social welfare officials, medical professionals, and the police. The Department of Labor trains labor inspectors, probation officers and police officers on child labor issues.[4401]

The government continues to participate in several ILO-IPEC projects to combat child labor in Sri Lanka. These include a project funded by USDOL to combat child trafficking in Asia;[4402] a project funded by the U.S., Norwegian and Australian governments to provide vocational training for former child soldiers; and a project funded by the Netherlands government to combat child domestic labor.[4403] In addition, with USDOL funding, the ILO-IPEC and the Sri Lankan government initiated a USD 562,000 project after the tsunami that will continue through 2008. The project aims to strengthen the capacity of government, media, and international organizations to integrate child labor issues into post-tsunami reconstruction policies; monitor the child labor situation in the post-tsunami environment; and provide educational and psychosocial services to tsunami-affected families in Galle and Trincomalee.[4404]

[4398] Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*. See also ILO, *National Legislation and Policies*. NCPA works with 450 social welfare officers at the community level and has also established 11 district child protection committees to further raise awareness of child abuse issues, including child labor. See U.S. Embassy- Colombo, *reporting*, August 23, 2004.
[4399] U.S. Department of State, *Trafficking in Persons Report- 2005: Sri Lanka*.
[4400] Director General B. Abeygunawardana, National Planning Department, *National Plan of Action for the Children of Sri Lanka, 2004-2008*, Government of Sri Lanka Ministry of Finance and Planning, Colombo, 2004, 122-123; available from http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf. See also ILO-IPEC, *TICSA Phase II, technical progress report, technical progress report*, 3.
[4401] U.S. Embassy- Colombo, *reporting*, September 8, 2005. Training includes trauma and psychosocial counseling, surveillance, legal awareness, as well as training of trainers on these issues. See U.S. Embassy-Colombo, *reporting*, August 23, 2004.
[4402] ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, Geneva, September 30, 2002, 1.
[4403] ILO-IPEC, *Tsunami affected areas in Sri Lanka, project document*, 13.
[4404] Ibid., 15, 36.

In July 2003, the government and the LTTE agreed to a Joint Plan for Children Affected by War to end child recruitment and to demobilize and rehabilitate ex-child soldiers.[4405] However, there are reports that the Action Plan is stalled due to continued child recruitment and lack of cooperation by the LTTE, particularly after the tsunami. The government is implementing a National Plan of Action to combat trafficking of children for sexual and labor exploitation, under the purview of the NPCA .[4406] The NPCA and other government agencies, with support from ILO-IPEC and UNICEF, have various mechanisms in place to care for child trafficking victims. These include rehabilitation camps and other shelters that provide medical care, counseling services, and supplementary food rations. The government has also increased funding for its anti-Human Smuggling and Investigation Bureau to combat trafficking. The government assists Sri Lankan trafficking victims abroad through its diplomatic missions, and assists foreign victims in Sri Lanka through its Foreign Employment Bureau.

According to the U.S. Department of State, the government took strong measures immediately following the tsunami to address the increased risk of child trafficking.[4407] Among these measures was a large-scale awareness-raising campaign on the increased dangers of trafficking, supported by USAID and the American Center for International Labor.[4408] USAID's other post-tsunami efforts include supporting the government to leverage funds from private sector sources, and providing direct assistance to vulnerable youth and children, including a project to construct 85 playgrounds in tsunami-affected communities.[4409] USAID has provided over USD 134 million in funding for tsunami relief and reconstruction projects.[4410] The Asia Foundation is supporting the government's effort to provide protection and psycho-social services for children.[4411]

The Government of Sri Lanka has demonstrated commitment to education, providing free school books and uniforms to all children in primary and secondary schools, and school feeding programs in over 3,000 schools in disadvantaged areas. The MOE initiated a program to improve education for the children of plantation workers, who are considered especially vulnerable to child labor. The program has strengthened formal schools in plantation areas; recruited teachers to work on plantations; provided special education

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[4405] U.S. Embassy- Colombo, *reporting*, August 23, 2004. The NGOs and IGOs involved include UNICEF, ILO-IPEC, Save the Children, the Ministry of Social Welfare, Tamil Rehabilitation Organization, UNDP, and UNCHR. See UNICEF Press Center, *Call to increased action for Sri Lanka's war affected children*, press release, Colombo, January 22, 2004; available from http://www.unicef.org/media/media_19036.html.
[4406] U.S. Department of State, *Country Reports- 2004: Sri Lanka*, Section 5.
[4407] U.S. Department of State, *Trafficking in Persons Report- 2005: Sri Lanka*.
[4408] USAID, *Indian Ocean - Earthquakes and Tsunamis, Fact Sheet #38, FY2005*.
[4409] USAID, *USAID Rebuilds Lives After the Tsunami - Weekly Update: Sri Lanka,* USAID, [online] June 22, 2005 2005 [cited June 29, 2005]; available from http://www.usaid.gov/locations/asia_near_east/tsunami/. See also USAID, *Tsunami Reconstruction Update*, Washington, DC, December 2, 2005; available from http://www.usaid.gov/locations/asia_near_east/tsunami/pdf/tsunami_update_120205.pdf. See also U.S. Embassy- Colombo, *reporting*, September 8, 2005.
[4410] See also USAID, *Tsunami Reconstruction Update*, Washington, DC, December 2, 2005; available from http://www.usaid.gov/locations/asia_near_east/tsunami/pdf/tsunami_update_120205.pdf. See also U.S. Embassy- Colombo, *reporting*, September 8, 2005.
[4411] USAID, *Indian Ocean - Earthquakes and Tsunamis, Fact Sheet #38, FY2005*.

classes to children with learning disabilities; and provided vocational training to dropouts.[4412] With support from the World Bank, the Ministry of Education is implementing a program to increase school attendance. The World Bank is funding a second phase of the General Education Project to improve the quality, access, and management of schools, as well as a project to improve the quality, cost-effectiveness and coverage of education.[4413]

In the post-disaster environment, CHF International, Oxfam and other NGOs are assisting the government in repairing schools.[4414] UNICEF is providing school furniture, supplies, and materials for school uniforms, and has helped to clean and repair hundreds of schools. In collaboration with the government, UNICEF has developed a post-tsunami 3-year plan which focuses on returning children to school; providing essential school supplies and psychosocial services; and improving quality of education.[4415]

[4412] U.S. Embassy- Colombo, *reporting*, September 8, 2005. See also ILO-IPEC, *Tsunami affected areas in Sri Lanka, project document*, 2.

[4413] The USD 83 million project began in 1997 and is scheduled to end in March 2007. See World Bank, *General Education Project (02),* June 28, 2005 [cited June 28, 2005]; available from http://web.worldbank.org/external/projects/main?print=Y&pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P010525. The USD 79 million Teacher Education and Teacher Deployment project began in 1996 and will end in March 2007. See World Bank, *Teacher Education and Teacher Deployment,* June 28, 2005 [cited June 28, 2005].

[4414] USAID, *Indian Ocean - Earthquakes and Tsunamis, Fact Sheet #38, FY2005*. See also OneWorld South Asia, *OXFAM begins reconstruction of tsunami-affected schools in Sri Lanka,* [online] n.d. [cited December 16, 2005]; available from http://southasia.oneworld.net/article/view/121597/1?PrintableVersion=enabled.

[4415] UNICEF, *Indian Ocean Earthquake and Tsunami Unicef Response at Six Month Update*, June 16, 2005, 14, 16; available from http://www.unicef.org/emerg/disasterinasia/files/Tsunamiat6report16june.pdf.

Suriname

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

Incidence and Nature of Child Labor

Statistics on the number of working children under 15 in Suriname are unavailable.[4416] According to an ILO survey, children work in agriculture, fishing, timber production, mining, domestic service, construction, the furniture industry, and as street vendors.[4417] Young Maroon children work in the agricultural and transportation sectors.[4418] The ILO found that while hours of work vary substantially, 41 percent of those surveyed worked more than 5 hours per day. Children also worked without adult supervision in some cases.[4419] The commercial sexual exploitation of girls and boys exists in Suriname.[4420] There were reports of girls being trafficked to Suriname from Brazil, Colombia, the Dominican Republic, and Guyana for this purpose. Some of these victims were then trafficked to Europe for sexual exploitation.[4421] Internal trafficking for the purposes of

[4416] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4417] As part of the survey, 142 key informants, 169 working children between the ages of 4 and 17, and 52 parents or guardians were interviewed. Marten Schalkwijk and Wim van den Berg, *Suriname The Situation of Children in Mining, Agriculture, and other Worst Forms of Child Labour: A Rapid Assessment*, ILO Subregional Office for the Caribbean, Port of Spain, November 2002, 1,30, 46, and 52; available from http://www.ilocarib.org.tt/system_links/link6tst.html.

[4418] U.S. Embassy- Paramaribo, *reporting*, June 8, 2004. Maroon people are descendants of African slaves and have a distinct culture based on African and Amerindian traditions. See Rainforest Foundation US, *Suriname Background,* 2004 [cited July 1, 2005]; available from http://www.rainforestfoundation.org/1surinameback.html.

[4419] Marten Schalkwijk and Wim van den Berg, *Suriname The Situation of Children in Mining, Agriculture, and other Worst Forms of Child Labour*, 49.

[4420] U.S. Department of State, *Country Reports on Human Rights Practices - 2004: Suriname*, Washington D.C., February 28, 2005, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41775.htm.

[4421] U.S. Department of State, *Trafficking in Persons Report-2005: Suriname*, Washington, D.C., June, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.

domestic servitude and sexual exploitation also exists,[4422] and the sexual exploitation of Maroon girls in the interior of the country is a concern.[4423]

The Constitution of Suriname mandates free and compulsory primary education.[4424] Under the Compulsory School Attendance Act, the government is required to provide all children the opportunity to attend school between the ages of 7 and 12.[4425] Despite this guarantee, most public schools impose school fees,[4426] or access is limited due to a lack of teachers, building facilities and transportation.[4427] In 2002, the gross primary enrollment rate was 126 percent and the net primary enrollment rate was 97 percent.[4428] Gross and net enrollment ratios are based on the number of students officially registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Suriname.[4429] Problems within the education system include an inefficient allocation of resources, low teacher quality, outdated curricula, a shortage of instructional materials, poor school facilities, and limited evaluation and monitoring of school performance.[4430] In addition, classes are taught in Dutch, which is a second language for many students.[4431]

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years.[4432] Under Article 18 of the Labor Act, children who have reached age 12 may work only if it is necessary for training; does not have high physical or mental demands; and is not dangerous.[4433] Article 20 of the Labor Act prohibits children from performing night work or work that is

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[4422] Some children are promised work in cities but are tricked into commercial sexual exploitation or domestic servitude. Other children are trafficked to mining camps in the country's remote interior for the purposes of commercial sexual exploitation. Ibid.
[4423] U.S. Embassy- Paramaribo, *reporting,* June 8, 2004.
[4424] Right to Education, *Constitutional Guarantees: Suriname,* [database online] [cited October 5, 2005]; available from http://www.right-to-education.org/content/consguarant/suriname.html.
[4425] UN Committee on the Rights of the Child, *Initial Report of States Parties Due in 1995*, CRC/C/28/Add.11, prepared by Government of Suriname, pursuant to Article 44 of the Convention on the Rights of the Child, September 1998, para. 118; available from http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-28-add11.htm.
[4426] U.S. Department of State, *Country Reports-2005: Suriname*, section 5.
[4427] Ibid.
[4428] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[4429] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4430] The Inter-American Development Bank, *Basic Education Improvement Project*, Loan Proposal, 1521/OC-SU, December 17, 2003, 2-6; available from http://www.iadb.org/exr/doc98/apr/lcsuri.htm.
[4431] There are 26 languages actively spoken in Suriname and the current curriculum does not take this fact into account. Ibid., 3.
[4432] U.S. Department of State, *Country Reports-2005: Suriname*, section 6d. There is a gap between the last compulsory year of schooling (age 12) and the minimum age for employment (age 14). See U.S. Embassy- Paramaribo, *reporting,* June 8, 2004.
[4433] Arnold Halfhide Ambassador of Suriname to the United States, letter to USDOL official, November 29, 2000.

dangerous to their health, life, or morals.[4434] Children below the age of 15 are prohibited from working on fishing boats. Violations of child labor laws are punishable by fines and up to 12 months in prison.[4435] Parents who permit their children to work, in violation of child labor laws, may be prosecuted.[4436]

The worst forms of child labor may be prosecuted under different statutes in Suriname. The Constitution prohibits forced labor.[4437] Prostitution is illegal,[4438] and procuring a minor for the purpose of sex is prohibited and punishable with up to three years in prison.[4439] Under the 1987 Constitution (amended in 1992), military service is compulsory for all people between the ages of 18 and 35 years. However, according to the Surinamese Government, this requirement has been repealed and military service is no longer compulsory.[4440] There are statutes that prohibit "white slavery," migrant smuggling, and pimping that pertain only to women and children.[4441] The Government's Anti-trafficking Commission, comprised of representatives from the ministries of Justice and Police, Labor, Defense, and Foreign Affairs, is responsible for combating the issue of trafficking in persons.[4442] A special police anti-trafficking unit has worked with officials in neighboring Curacao and Guyana to successfully arrest and convict child traffickers.[4443]

The Ministry of Labor's Department of Labor Inspections enforces and implements child labor laws.[4444] However, according to the U.S. Department of State, staff shortages and lack of funding have resulted in inadequate child labor investigations, which rarely take place outside of urban areas.[4445] The Labor Inspection office does not enforce the laws in the informal sector.[4446]

[4434] Ibid.
[4435] U.S. Embassy- Paramaribo, *reporting*, September 8, 2003.
[4436] U.S. Embassy- Paramaribo, *reporting,* June 8, 2004.
[4437] *Constitution of Suriname 1987, with 1992 reforms*, Article 15; available from http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html.
[4438] Educational Broadcasting Corporation Inc., *Dying to Leave,* [online] 2004 [cited June 16, 2005]; available from http://www.pbs.org/wnet/wideangle/shows/dying/map_suriname.html. See also U.S. Department of State, *Country Reports-2005: Suriname*, Section 5.
[4439] Article 305 as cited in ILO-IPEC Official, email communication, May 3, 2004 to USDOL Official, May 3, 2004.
[4440] Coalition to Stop the Use of Child Soldiers, *Global report 2004-Suriname*, online, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=837. See also *Constitution of Suriname*, article 180. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Suriname*, 19.
[4441] Article 307 of the Penal Code. Protection Project, *The Protection Project Human Rights Report of the Americas-Suriname*, online, 2004; available from http://www.protectionproject.org/main1.htm.
[4442] U.S. Department of State, *Country Reports-2005: Suriname*, section 5.
[4443] U.S. Department of State, *Trafficking in Persons Report-2005: Suriname*.
[4444] U.S. Embassy- Paramaribo, *reporting,* June 8, 2004.
[4445] Ibid.
[4446] Ibid.

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

In 2002, the Government of Suriname developed an Action Plan for children (2002-2006) which addresses childhood policies and the worst forms of child labor.[4447] In 2004, the Anti-trafficking Commission issued a National Action Plan to combat trafficking in persons.[4448] Through May 2005, the government coordinated with ILO-IPEC on the second phase of a regional child labor project in the English and Dutch-speaking Caribbean. The project, funded by the Government of Canada, raised awareness about the worst forms of child labor, guided the work of the national child labor committee, conducted a review of relevant child labor legislation to identify gaps that permit the exploitation of children, and helped the government to identify hazardous occupations consistent with ILO Convention 182.[4449] ILO-IPEC also works with the government to address exploitative domestic labor, commercial sexual exploitation of children, and child labor in agriculture.[4450]

The Justice Department has been reviewing national legislation on child abuse and exploitation to ensure its conformity with the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Bureau for Child Development, an office within the Foundation for Human Development, provides training to the Department of Justice, the police, and health workers to sensitize them to child rights and child abuse issues. This activity is now a standard component of police cadet training.[4451] Various unions subsidized by the Ministry of Labor conduct education campaigns on the worst forms of child labor targeting school teachers, students, caregivers and public and private sector officials.[4452]

With support from the U.S. Department of Justice, the Government of Suriname, including officials from the Ministry of Justice and Police, received training on preventing and prosecuting trafficking in persons victims.[4453] The Ministry also launched a one-year pilot project to establish a centralized Trafficking in Persons Unit as part of

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[4447] The government established a steering committee composed of representatives from relevant agencies to coordinate and implement the plan. See Department of Labour, Technological Development, and Environment, *Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labour*, October 11, 2002. See also ILO Subregional Office for the Caribbean, *Child Labour in Suriname*, 2002; available from http://www.ilocarib.org.tt/infsources/child_labour/fact_sheets/SurFS.pdf. See also ILO Subregional Office for the Caribbean, *Project Overview,* [online] [cited October 5, 2005]; available from http://www.ilocarib.org.tt/childlabour/printing-versions/project-overview-print.htm.
[4448] U.S. Embassy- Paramaribo, *reporting*, Washington, D.C., January 25, 2005.
[4449] The project was implemented in Trinidad and Tobago, Barbados, Bahamas, Suriname, Belize, and Guyana. ILO Caribbean Office, *Identification, Elimination and Prevention of the worst Forms of Child Labour in the Anglophone-and Dutch-Speaking Caribbean,* [online] [cited October 3, 2005]; available from http://www.ilocarib.org.tt/projects/index.htm. See also ILO-IPEC Official.
[4450] ILO-IPEC, *¿Dónde Trabaja IPEC?* [online] 2005 [cited October 3, 2005]; available from http://www.oit.org.pe/ipec/pagina.php?seccion=27&pagina=164.
[4451] ECPAT International, *Suriname,* in ECPAT International, [database online] [cited October 5, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.
[4452] U.S. Department of State, *Country Reports-2005: Suriname*, section 6d.
[4453] U.S. Embassy- Paramaribo, *reporting,* January 25, 2005.

the Suriname Police Corps.[4454] The Public Prosecutor's Office operates a "Special Victims Unit" and telephone hotline to assist victims of trafficking and commercial sexual exploitation.[4455] The Police conducted raids in Paramaribo in areas of high incidence of child labor, including streets, nightclubs, brothels and casinos.[4456] At the end of 2004, a government official was arrested for trafficking female victims into Suriname for commercial sexual exploitation.[4457]

The Ministry of Education and Community Development is implementing an IDB-financed project to improve the quality and internal efficiency of the education sector. Project activities include the expansion of compulsory education from six to ten years; the design of new curricula; teacher training reform and the development and provision of didactic materials; the rehabilitation of school infrastructure; and improved capacity of the Ministry of Education.[4458]

[4454] The project involves the identification of trafficking in persons victims and the investigation and prosecution of traffickers. The project also includes greater scrutiny of aliens soliciting access at ports of entry and visa applicants through improved interview techniques. Ibid.
[4455] U.S. Department of State, *Country Reports-2005: Suriname*, section 5.
[4456] Ibid.
[4457] U.S. Embassy- Paramaribo, *reporting,* January 25, 2005. See also U.S. Embassy- Paramaribo, *reporting,* January 25, 2005.

[4458] The Inter-American Development Bank, *Basic Education Improvement Project*.

Swaziland

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/23/2002	
Ratified Convention 182	10/23/2002	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 9.6 percent of children ages 5 to 14 years were counted as working in Swaziland in 2000. In this age group, the percentage of all boys working was approximately the same compared to girls.[4459] Children work in agriculture (particularly in the eastern region), and as domestic workers and herders.[4460] Children are also found working on the streets as traders, hawkers, bus and taxi conductors, load bearers, and car washers.[4461] There are reports that girls from Swaziland and Mozambique are increasingly found working in child prostitution in Swaziland.[4462]

Education is not free, universal, or compulsory in Swaziland. In 2002, the gross primary enrollment rate was 98 percent, and the net primary enrollment rate was 75 percent.[4463] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2002, 74.3 percent of children ages 5 to 14 years were attending school.[4464] As of 2002, 77 percent of children who started primary school were likely to reach grade five.[4465] The government pays teacher salaries, while students are required to pay fees for books,

[4459] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity and School Attendance Rates, October 7, 2005. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the "Data Sources and Definitions" section of this report.

[4460] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Swaziland, Section 6d*, Washington, D.C., February 25, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41629.htm.

[4461] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September 30, 2003, Annex 2, 22-23.

[4462] U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 5. ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex 2, 22-23.

[4463] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005).

[4464] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

[4465] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

transportation, uniforms, boarding, and building upkeep.[4466] School fees can range from USD 40 to USD 160 per year per pupil. These fees make it difficult for poor children, especially those affected by HIV/AIDS, to attend school.[4467]

Child Labor Laws and Enforcement

The minimum age of employment is set at 15 years for industrial work, although children may work in the commercial sector beginning at age 13. The minimum age for light work varies between 13 and 15 years of age depending on the sector.[4468] Children under 15 are also allowed to work in family industrial firms or in technical schools under supervision of a teacher or other authorized person.[4469] The Employment Act prohibits children and young persons under 18 years from working in mines, quarries or underground, in premises that sell alcohol for consumption on site, or in any sector that is dangerous to their safety, health or moral development.[4470] The Employment Act also prohibits children from working during school hours, between the hours of 6 pm and 7 am, and for more than 4 hours continuously.[4471] Children are limited to 6 hours of work per day and 33 hours per week.[4472] Since 1999, the Government of Swaziland has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4473] The Ministry of Labor is responsible for enforcing child labor laws, but its effectiveness is limited by shortages of personnel, according to the U.S. Department of State.[4474]

The worst forms of child labor may be prosecuted under different statutes in Swaziland. The Penal Code prohibits the procurement of a girl unless she is a "common prostitute"

[4466] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Swaziland*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27754.htm. See also Integrated Regional Information Network, "Swaziland: AIDS and economic decline hamper school enrolments", January 12, 2004; available from http://www.irinnews.org/report.asp?ReportID=38872&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4467] Integrated Regional Information Network, "Swaziland: Tempers Flare as Government Pays Ophans' School Fees", January 12, 2005; available from http://www.irinnews.org/report.asp?ReportID=45268&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4468] See ILO-IPEC, *Report VI (1) Child Labour: Targeting the Intolerable*, Geneva, 1998, 77; available from http://www.ilo.org/public/english/comp/child/publ/target/target.pdf.

[4469] U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6d.

[4470] ILO-IPEC, *Child Labour: Targeting the Intolerable*, 74, 77. See also ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 21.

[4471] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 21.

[4472] U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6d.

[4473] ILO-IPEC official, email communication to USDOL official, November 14, 2005.

[4474] U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6d.

or "of known immoral character" for purposes of prostitution.[4475] Forced and bonded labor, including by children, is also prohibited. Children are protected by law against child pornography and sexual exploitation.[4476] There is no law prohibiting trafficking in persons.[4477]

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

The Government of Swaziland's Children's Unit collaborates with law enforcement on child protection issues, has developed guidelines for management of child abuse cases, and has established professional networks through cooperation with the government's legal branch and NGOs.[4478] The government is participating in two USDOL-supported regional child labor projects in Southern Africa that include Swaziland. ILO-IPEC is implementing a USD 5 million project, which is focused on piloting small action programs aimed at children who are working or at risk of working in exploitative labor; conducting research on the nature and incidence of child labor; and building the capacity of governments in the region to address child labor issues.[4479] American Institutes for Research is implementing a USD 9 million Child Labor Education Initiative project that aims to combat exploitative child labor through education.[4480]

The government continues to fund a program to keep children already attending school in class when they become at risk of dropping out for financial reasons. In 2004, an additional USD 3 million was allotted to the program to allow children who dropped out of school due to AIDS in the family to re-enroll.[4481] The government allocated USD 7.6 million to the education of orphans and vulnerable children for 2004, the most recent time period for which such information is available, while UN agencies are providing additional assistance through targeted programs.[4482] It is reported that 70,000 children

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[4475] The Protection Project, "Swaziland," in *Human Rights Report on the Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://209.190.246.239/ver2/cr/Swaziland.pdf. See also *The Crimes Act*, 6/1889, Section V, Article 42, n.d. 15.

[4476] U.S. Department of State, *Country Reports- 2004: Swaziland*, Section 6c.

[4477] Ibid., Section 6f.

[4478] The Honorable Dr. Phetsile Dlamini, Minister of Health and Social Welfare, Statement at the United Nations Special Session on Children, May 10, 2002; available from http://www.un.org/ga/children/swazilandE.htm.

[4479] ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex 2, 38-39.

[4480] The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See Government of the Central African Republic, *Decision No. 190*, Ministry of Education, Bangui, September 4, 2004, 1,2.

[4481] Integrated Regional Information Network, "Swaziland: Campaign to Help Aids-Hit Education System", March 31, 2004; available from http://allafrica.com/stories/200403310055.html.

[4482] Integrated Regional Information Network, *Child Rights Advocates Highlight Plight of Under-Fives*, November 10, 2005 2005; available from http://www.irinnews.org/report.asp?ReportID=46731&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

under the age of 15 have lost parents to HIV/AIDS.[4483] UNICEF estimates that the number of AIDS orphans in Swaziland is projected to rise to around 150,000 by 2010.[4484] At least 44 new community schools and 198 Neighborhood Care Points that provide nutritional, medical, and counseling needs for orphans and vulnerable populations opened in 2004.[4485] In 2004, the Swaziland Schools Head-teachers Association changed its policy to guarantee that girls who become pregnant will no longer be expelled from school.[4486]

The government collaborates with UNICEF on the "Shoulder to Cry On" volunteer program. The program receives financial and technical assistance from UNICEF. The Deputy Prime Minister's office trains community volunteers through the Women's Resource Center. The volunteers assist orphans and vulnerable children with their nutritional, medical, educational, and psychological needs.[4487] The government also receives assistance from UNICEF on a pilot program aimed at collecting data on orphans and vulnerable children. Information from the data collection will be used to identify which children will receive government assistance for school expenses.[4488] UNICEF is also implementing the "Education for All Community Grants" initiative, which assists the most vulnerable children in reenrolling in school.[4489]

Save the Children Swaziland implements a program to promote inclusive education for disabled children, provides technical advice on school feeding programs, and carries out awareness-raising sessions on HIV/AIDS for children.[4490] The UN-supported local

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[4483] Ibid.

[4484] Integrated Regional Information Network, *Swaziland: NGO's UNICEF call for Implementation of National Children's Policy*, November 10, 2005 2005; available from http://www.irinnews.org/report.asp?ReportID=47701&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4485] Integrated Regional Information Network, "Swaziland: Plight of orphans and vulnerable children highlighted", 2003. See also Integrated Regional Information Network, "Swaziland: Innovative project cares for AIDS orphans", May 25, 2004; available from http://www.irinnews.org/report.asp?ReportID=41260&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4486] Integrated Regional Information Network, "Swaziland: Pregnant school girls no longer face expulsion", June 21, 2004; available from http://www.irinnews.org/report.asp?ReportID=41797&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4487] Integrated Regional Information Network, "Swaziland: Community provides "shoulders to cry on"", December 11, 2003; available from http://www.irinnews.org/report.asp?ReportID=38365&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4488] Integrated Regional Information Network, "Swaziland: Project aims to identify vulnerable children", May 27, 2004; available from http://www.irinnews.org/report.asp?ReportID=41302&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[4489] Integrated Regional Information Network, *Southern Africa: UNICEF appeals for assistance for region's children,* December 2, 2003 [cited February 5, 2004]; available from http://www.irinnews.org/report.asp?ReportID=38196&SelectRegion=Southern_Africa&SelectCountry=southern%20africa.

[4490] Save The Children, *Swaziland: What we do,* [website] November 18, 2003 [cited March 26, 2004]; available from http://www.savethechildren.net/swaziland/.

branch of the Global Campaign for Education was established in Swaziland in 2004. The goal of the group is to ensure that Swazi children are provided with free and quality education.[4491]

[4491] Integrated Regional Information Network, "Swaziland: Campaign to Help Aids-Hit Education System."

Tanzania

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	(12/16/1998)	
Ratified Convention 182	(09/12/2001)	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 35.4 percent of children ages 5 to 14 years in Tanzania were counted as working in 2000-2001. Approximately 36.2 percent of all boys 5 to 14 were working compared to 34.5 percent of girls in the same age group. The majority of working children were found in the agricultural (77.4 percent) and services (22.4 percent) sectors, with the remainder in manufacturing (0.1 percent) and other sectors (0.1 percent).[4492] As of 2001, the National Bureau of Statistics survey found that a majority of working children were unpaid family workers who engaged in agricultural and non-agricultural work on family farms. An estimated 49.9 percent of children ages 5 to 14 years engage in housekeeping activities.[4493] In 2004, UNICEF estimated that there were 2 million child orphans in Tanzania, primarily due to HIV/AIDS.[4494] A 2005 study by the Eastern and Southern African Universities Programme estimated the orphan population at 2.5 million.[4495] Such children are vulnerable to involvement in exploitative child labor.[4496]

[4492] UCW analysis of ILO SIMPOC, UNICEF MICS and World Bank surveys, Child Economics Activity and School Attendance Rates, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report. See also National Bureau of Statistics, *Child Labor in Tanzania, Country Report: 2000/2001 Integrated Labour Force and Child Labour Survey*, no date, 10, 30, 31.

[4493] National Bureau of Statistics, *Child Labor in Tanzania, Country Report: 2000/2001 Integrated Labour Force and Child Labour Survey*, no date, 39, 41.

[4494] U.S. Department of State, Country Reports on Human Rights Practices- 2004: Tanzania, Washington, D.C., June 29, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41630.htm. See also U.S. Embassy- Dar es Salaam official, email communication to USDOL official, August 13, 2006.

[4495] U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006.

[4496] Bill Rau for ILO-IPEC, Combating Child Labour and HIV/AIDS in Sub-Saharan Africa, no. 1, Geneva, July 2002.

Children work on commercial tea,[4497] coffee,[4498] sugar cane,[4499] sisal, cloves,[4500] and tobacco farms,[4501] and in the production of wheat, corn, green algae, pyrethrum and rubber.[4502] Children also work in underground mines and near mines in bars and restaurants. Children known as "snake boys" crawl through narrow tunnels in unregulated gemstone mines to help position mining equipment and explosives.[4503] In the informal sector, children are engaged in scavenging, fishing, fish processing, and quarrying.[4504] Other children work as street vendors, cart pushers, and in garages.[4505] Children also work as paid domestic servants in third-party homes, where many reportedly face sexual abuse.[4506]

Girls as young as 7 years, and some boys, are reportedly exploited in prostitution and other forms of commercial sexual exploitation.[4507] According to a 2001 ILO study, children have been exploited in the production of pornographic films; however, no cases

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[4497] While children begin working on tea farms at the age of 6 years, accompanying their mothers and siblings, most of the children working on tea farms are over the age of 10 years. M. J. Gonza and P. Moshi, Tanzania Children Working in Commercial Agriculture-Tea: A Rapid Assessment, ILO-IPEC, Geneva, January 2002.

[4498] George S. Nchahaga, Children Working in Commercial Agriculture- Coffee: A Rapid Assessment, ILO-IPEC, Geneva, 2002, 29-32.

[4499] ILO-IPEC, Investigating the Worst Forms of Child Labour in Tanzania: Rapid Assessments in the Informal Sector, Mining, Child Prostitution and Commercial Agriculture (Draft Report), Dar es Salaam, 2000, 4.

[4500] ILO-IPEC, Tanzania: Focusing on the Worst Forms of Child Labour, Dar es Salaam, 2001.

[4501] A. Masudi, A. Ishumi, F. Mbeo, and W. Sambo, Tanzania Child Labour in Commercial Agriculture-Tobacco: A Rapid Assessment, ILO-IPEC, Geneva, November 2001.

[4502] U.S. Embassy- Dar es Salaam, *reporting*, October 23, 2002. Pyrethrum is a type of chrysanthemum that can be used as an ornament or as a source of insecticides.

[4503] J. A. Mwami, A.J. Sanga, and J. Nyoni, Tanzania Children Labour in Mining: A Rapid Assessment, ILO-IPEC, Geneva, January 2002, 37-39. See U.S. Department of State, *Country Reports- 2004: Tanzania*, Section 6d.

[4504] C. Kadonya, M. Madihi, and S. Mtwana, Tanzania Child Labour in the Informal Sector: A Rapid Assessment, ILO-IPEC, Geneva, January 2002, 33-48.

[4505] ILO, Baseline study and attitude survey on child labour and its worst forms, Dar es Salaam, June 2003, 9, 10, 28, 33.

[4506] U.S. Department of State, Country Reports- 2004: Tanzania, Section 6c. See also ILO, Baseline study and attitude survey on child labour and its worst forms, 10. Research published by the Tanzania Media Women's Association suggests that 60 percent of female domestic servants, or "housegirls," are sexually abused in the workplace. See Daniel Dickinson, Tanzania 'housegirls' face sexual abuse, BBC News, May 10, 2003 [cited May 24, 2004]; available from http://news.bbc.co.uk/1/hi/world/africa/3015223.stm. In 2000, a survey indicated that children younger than 17 years comprise 80 percent of domestic workers in Tanzania. See Bill Rau for ILO-IPEC, Combating Child Labour and HIV/AIDS in Sub-Saharan Africa.

[4507] U.S. Embassy- Dar es Salaam, *reporting*, August 18, 2003. See also The Protection Project, "Tanzania," in Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery, March 2002; available from http://209.190.246.239/ver2/cr/Tanzania.pdf. UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: United Republic of Tanzania, CRC/C/15/Add.156, United Nations, Geneva, July 2001, para 62; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6828b7389ae0a66fc1256a7600453ede?Opendocument.

have been reported for several years.[4508] Children from Kenya, Uganda, and Rwanda also have been exploited in prostitution in Tanzania.[4509]

Children are reportedly trafficked internally in Tanzania to work in mines, on farms, in the informal sector, and in domestic service.[4510] Children are also trafficked, often under false pretenses, from rural to urban areas for exploitation in the commercial sex sector. Such children are often lured with false promises of work as house girls, barmaids, and in hair salons and hotels.[4511] Tanzania is reported to be a country of origin, transit and destination for women and children trafficked for sexual exploitation and forced labor. Tanzanian girls are reportedly trafficked to South Africa, Oman, the United Kingdom, and possibly to other European or Middle Eastern countries for domestic service.[4512]

Education in Tanzania is compulsory for 7 years, until children reach the age of 15 years.[4513] In 2004, the gross primary enrollment rate was 97 percent, and the net primary enrollment rate was 82 percent.[4514] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 57 percent of children aged 5-14 years were attending school.[4515] As of 2003, 88 percent of children who started primary school were likely to reach grade 5.[4516] Primary school fees have been eliminated in Tanzania since 2002, but there has been a lack of resources for additional teachers, classrooms, and books. This has led to primary schools becoming overwhelmed by the massive increase in children seeking to take advantage of free primary education.[4517] Moreover, families must pay for books, uniforms, and for enrollment fees for children beyond form 2 (the equivalent of the second year of high school). There are also reports of children not attending school because of poorly paid teachers demanding money from them in order to be enrolled.[4518]

[4508] E. Kamala, E. Lusinde, J. Millinga, J. Mwaitula, M.J. Gonza, M.G. Juma, and H.A. Khamis, Tanzania Children in Prostitution: A Rapid Assessment, ILO-IPEC, Geneva, November 2001, 23. See also U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006.
[4509] See Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, Tanzania Children in Prostitution, 20.
[4510] U.S. Department of State, Trafficking in Persons Report- 2006: Tanzania, Washington, D.C., June 2006; available from http://www.state.gov/g/tip/rls/tiprpt/2006/66086.pdf. See also ILO, Baseline study and attitude survey on child labour and its worst forms, page 24.
[4511] See Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, Tanzania Children in Prostitution, 20. See also U.S. Department of State, Trafficking in Persons Report-2005: Tanzania. See U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006.
[4512] U.S. Department of State, Trafficking in Persons Report-2006: Tanzania.
[4513] U.S. Department of State, *Country Reports- 2004: Tanzania*, Section 5.
[4514] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (Gross and Net Enrollment Ratios, Primary; access December 2005).
[4515] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity and School Attendance Rates, October 7, 2005.
[4516] UNECO Institute for Statistics, http:stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4517] U.S. Embassy- Dar es Salaam, *reporting,* August 18, 2003. See also U.S. Department of State, *Country Reports- 2004: Tanzania*, Section 5.
[4518] U.S. Department of State, *Country Reports- 2004: Tanzania*, Section 5.

Child Labor Laws and Enforcement

In Zanzibar, the law prohibits employment of children under the age of 18 years depending on the nature of the work.[4519] The Employment Act of 2005 categorizes child labor practices as (a) ordinary practices for child labor, and (b) worst forms of child labor. The penalties for category (a) offenses are a fine of 400,000 shillings (USD 350.57) or imprisonment of up to 6 months. For category (b) offenses, a fine of not less than 3 million shillings (USD 2,629.27) or imprisonment of to 2 years.[4520] In mainland Tanzania, the Employment Ordinance prohibits employment of children under the "apparent" age of 15 years. The ordinance specifically prohibits children under the "apparent" age of 15 years and young people under the age of 18 years from employment in any work that could be injurious to health, dangerous or otherwise unsuitable. It also prohibits children under the age of 15 years from working near machinery or in subsurface mines.[4521] However, children over the age of 10 years are permitted to do light work, such as some agricultural activities and domestic service, in rural areas.[4522]

Under the Employment Ordinance, employers are obliged to maintain registers listing the age of workers, the conditions and nature of employment, and commencement and termination dates. The Employment Ordinance states that any employer found to be in violation of child labor laws is subject to three months of imprisonment or a fine of up to 2,000 shillings (USD 1.85), or both.[4523] However, in 2004 the mainland government passed the Employment and Labor Relations Act No. 6 of 2004 and the Labor Institutions Act No.7 of 2004, both of which provide for the protection of children from exploitation in the workplace and prohibit forced or compulsory labor.[4524] The Employment and Labor Relations Act also includes a specific prohibition of forced labor by children.[4525]

[4519] UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Party due in 1993, CRC/C/8/Add.14/Rev.1, United Nations, Geneva, September 25, 2000, para 355; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a4d65ef2bb2bc3b6c12569cb003aa328/$FILE/G0044600.pdf. The United Republic of Tanzania is a multiparty state, with the Zanzibar archipelago integrated into the country's government. Zanzibar, however, still retains considerable autonomy from the mainland in certain respects, including some differences in its laws. See U.S. Department of State, *Country Reports- 2004: Tanzania*.

[4520] U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006. FXConverter, *Currency Conversion Results,* [cited November 4, 2005]; available from http://www.oanda.com/convert/classic.

[4521] Law Reform Commission of Tanzania, Report of the Commission on the Law Relating to Children in Tanzania, Dar es Salaam, 1997, 131-132. References to the "apparent age" of a child are based on language in the Employment Ordinance of 1955. The Ordinance does not provide a specific definition for the term "apparent age." United Republic of Tanzania, Information on Efforts by Tanzania to Eliminate the Worst Forms of Child Labor, letter to USDOL official, October 4, 2002. See also Right-To-Education.Org, At What Age? Are school-children employed, married and taken to court? The United Republic of Tanzania, 2000 [cited December 23, 2005]; available from http://www.right-to-education.org/content/age/tanz.html.

[4522] Right-To-Education.Org, *At What Age? Are school-children employed, married and taken to court? The United Republic of Tanzania*.

[4523] Law Reform Commission of Tanzania, *Report of the Commission*, 131, 132. FXConverter, Currency Conversion Results.

[4524] U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006.

[4525] U.S. Embassy- Dar es Salaam, *reporting*, October 29, 2005.

These labor laws prohibit the employment of children under the age of 14 years on the mainland except for light work that is not likely to be harmful to the child's health and development and that does not prejudice the child's attendance at school. Unlike the previous law, the new labor laws establish a criminal punishment for employers that use illegal child labor as well as forced labor. Violators can be fined an amount not to exceed 5 million shillings (USD 4,382.12), imprisonment for a term of one year, or both. The new laws also prohibit children under the age of 18 from being employed in a mine, factory, ship, or other worksite that the Minister of Labor deems to be hazardous.[4526] The 2004 Acts are not yet in effect, however, because implementing regulations are still in process.[4527]

The worst forms of child labor may be prosecuted under different statutes in Tanzania. In addition to the prohibitions in the Employment and Labor Relations Act and the Labor Institutions Act, the Constitution prohibits forced or compulsory labor.[4528] The Defense Forces Regulations prohibit the military recruitment of children under the age of 18.[4529] Tanzanian law prohibits the procuring of a child under the age of 18 for the purpose of sexual intercourse or indecent exhibition. The law further prohibits the procurement or attempted procurement of a person under the age of 18 years for the purpose of prohibited sexual intercourse either inside or outside the country.[4530] Tanzanian law also considers sexual intercourse with a child under the age of 18 years to be rape, which is punishable with life imprisonment. According to the U.S. Department of State, however, this law is not effectively enforced.[4531] The Sexual Offenses Special Provisions Act prohibits trafficking of persons and ascribes a penalty for this crime of 10 to 20 years of imprisonment or a fine of 100,000 to 300,000 Tanzanian Shillings (USD 88 to USD 263).[4532]

Several government agencies have jurisdiction over areas related to child labor, but primary responsibility for enforcing the country's child labor laws rests with the Ministry of Labor, Youth Development, and Sports. According to the U.S. Department of State, enforcement of labor laws by the Ministry of Labor, Youth Development, and Sports is undermined by a low number of inspectors and the low salaries they receive, which leaves them vulnerable to corruption. The Government of Tanzania did recruit and train an additional 40 labor officers and labor inspectors in 2004, however, increasing the

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[4526] U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006.
[4527] U.S. Embassy- Dar es Salaam official, email communication, August 23, 2006.
[4528] Constitution of the United Republic of Tanzania of 1977, Chapter 1, Section 25(2); available from http://www.tanzania.go.tz/images/theconstitutionoftheunitedrepublicoftanzania1.pdf. FXConverter, Currency Conversion Results.
[4529] Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2004," (2004), 102-103; available from http://www.child-soldiers.org/document_get.php?id=966.
[4530] UNHCR, *Sexual Offences Special Provision Act,* 1998, Section 139; available from http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.htm?tbl=RSDLEGAL&page=home&id=3ae6b5098.
[4531] U.S. Department of State, Country Reports- 2004: Tanzania, Section 5. See also The Protection Project, "Tanzania: Protection Project Country Report."
[4532] U.S. Department of State, Country Reports- 2004: Tanzania, Section 5. See also FXConverter, Currency Conversion Results.

number of national labor inspectors to 145.[4533] The ministry's Child Labor Unit works with other government ministries and networks with other stakeholders. It gathers, analyzes, and disseminates child labor related data, and is involved in training and sensitizing labor inspectors on child labor issues.[4534] At the community level, child labor committees have been established to identify children who are not attending school and take measures to prevent or withdraw these children from child labor.[4535]

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

The Government of Tanzania is working with ILO-IPEC to implement a USDOL-funded Timebound Program (TBP) to eliminate the worst forms of child labor in the country by 2010, including child labor in commercial agriculture, domestic service, mining, fishing, and prostitution.[4536] According to the Department of State, during 2005, the Government of Tanzania has worked with nongovernmental organizations and community-based organizations to sensitize employers and households about the issue of child labor, resulting in a reported decline in the hiring of girls from rural areas to work as domestic servants.[4537]

The Child Labor Unit is working with ILO-IPEC under the TBP to provide training for district child labor coordinators and district officials in the TBP's 11 target districts, to increase their capacity to combat the worst forms of child labor.[4538] The Child Labor Unit also acts as the secretariat for the National Child Labor Elimination Steering Committee (NCLESC). The NCLESC is responsible for defining objectives and priorities for child labor interventions, approving and overseeing implementation of child labor action projects, and advising the government on various child labor issues.[4539] As

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[4533] U.S. Department of State, Country Reports- 2004: Tanzania, Section 6d. U.S. Embassy- Dar es Salaam, *reporting,* October 29, 2005. See also U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006.
[4534] National Roundtable Discussion on the Time-Bound Program on the Worst Forms of Child Labor, Time-Bound Program on the Worst Forms of Child Labor in Tanzania: Summary of the Institutional and Policy Study, April, 2001, 15-16.
[4535] ILO-IPEC, Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in Tanzania, project document, Geneva, 2001, 17-18. See also U.S. Embassy- Dar es Salaam, *reporting,* August 18, 2003.
[4536] A second phase of this project was funded by the U.S. Department of Labor in September 2005. The first phase, which is still ongoing, focuses on 11 target districts. The second phase broadens the scope of the project to target exploitative child labor in fishing and includes activities to combat child labor in Zanzibar. ILO-IPEC, Supporting the Time-Bound Program, vii and 27. ILO-IPEC, *Support for the Time-Bound Programme on the Worst Forms of Child Labour in Tanzania - Phase II*, Geneva, September 30, 2005. See President of the United Republic of Tanzania, His Excellency Mr. Benjamin Mkapa, Address at the Special High-level Session on the Launch of the Time Bound Programme on the Worst Forms of Child Labour in the Republic of El Salvador, the Kingdom of Nepal and the United Republic of Tanzania, June 12, 2001; available from http://www.ilo.org/public/english/standards/relm/ilc/ilc89/a-mkapa.htm.
[4537] U.S. Embassy- Dar es Salaam, *reporting,* October 29, 2005.
[4538] ILO-IPEC, Action Programme to Protect Working Children and to Combat and Eliminate Child Labour by the Child Labour Unit, Ministry of Labour, Youth Development and Sports, ILO-IPEC, Dar es Salaam, October 21, 2002.
[4539] Time-Bound Program on the Worst Forms of Child Labor in Tanzania: Summary, 15-16.

part of the TBP, the Ministry of Education's Complementary Basic Education in Tanzania (COBET) Program and its Vocational Education Training Authority (VETA) are providing basic education and vocational training to children withdrawn or prevented from involvement in the worst forms of child labor in the TBP's 11 target districts.[4540] By the end of 2004, the Ministry of Labor, Youth Development, and Sports had begun to develop a community-based monitoring system to collect information and track trends in the incidence of child labor.[4541]

In addition, the Government of Japan, through UNICEF, is supporting a basic education project targeting out-of-school children in Tanzania that will provide textbooks, reading materials on HIV/AIDS, and community workshops on HIV/AIDS with support from COBET.[4542]

In March 2004, the Tanzanian Ministry of Education and Culture signed an MOU with the NGO Education Development Center (EDC) stipulating areas of collaboration, roles, and responsibilities in support of the education component of the Tanzania TBP. The EDC project sought to ensure that children who were involved in or at risk of entering the worst forms of child labor had access to basic, quality education, as a means of helping to eliminate the worst forms of child labor.[4543] By the end of 2005, EDC was in the final stages of handing over the running of learning centers established by the project to the Ministry of Education and Culture.[4544]

The Government of Tanzania's Poverty Reduction Strategy Paper (PRSP) includes the elimination of child labor as an objective and the preparation of a child labor action plan in its workplan.[4545] The strategy paper established the Poverty Monitoring Master Plan

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[4540] ILO-IPEC, Programme to Provide Basic Education to 16,000 Children Withdrawn from and/or at Risk of Getting into Worst Forms of Child Labour in 11 Target Districts in Tanzania by Ministry of Education and Culture, ILO-IPEC, Dar es Salaam, November 10, 2003. ILO-IPEC, Action Programme for Elimination of the Worst Forms of Child Labor through the Provision of Vocational Skills Training in Eleven TBP Target Districts in Tanzania by Vocational Education and Training Authority (VETA), ILO-IPEC, Dar es Salaam, November 11, 2003. The government aims to scale up nationally the provision of basic education through COBET, and eliminate gender stereotypes by undertaking a review of curriculum, textbooks, and classroom practices. IRINNews, Tanzania: UNICEF calls for more efforts to educate girls, UN Office for the Coordination of Humanitarian Affairs, December 11, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?reportID=38364.

[4541] U.S. Department of State, Country Reports- 2004: Tanzania, Section 6d.

[4542] IRINNews, Tanzania: Japan boosts basic education for out-of-school youth, UN Office for the Coordination of Humanitarian Affairs, December 18, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?reportID=38486.

[4543] Education Development Center, Status Report: Time Bound Programme on Eliminating Child Labour in Tanzania, Dar es Salaam, Tanzania, July 2004. The EDC project is supporting the operation of 299 Mambo Elimu learning centers in Tanzania where approximately 2,531 children are currently receiving basic education through a radio-based distant learning curriculum. See Education Development Center, *Technical Progress Report: Time Bound Programme on Eliminating Child Labour in Tanzania (1st March 2005 to 31 August 2005)*, Dar es Salaam, Tanzania, September 1, 2005.

[4544] U.S. Embassy- Dar es Salaam official, email communication, August 13, 2006. See also Education Development Center, *Technical Progress Report: Time Bound Programme on Eliminating Child Labour in Tanzania (1st March 2005 to 31 August 2005)*, September 1, 2005.

[4545] United Republic of Tanzania, Poverty Reduction Strategy Paper: Progress Report 2000/2001, August 14, 2001, 4, 43. See also ILO-IPEC, IPEC Action Against Child Labour 2000-2001: Progress and Future

(PMMP), which includes the percentage of children in the labor force as a poverty monitoring indicator.[4546] An Education Fund to support children from poor families is called for within the PMMP strategy paper.[4547] In February 2005, the PRSP II document—otherwise known as the National Strategies for Growth and Poverty Reduction—was finalized and approved by the Cabinet. The National Strategies for Growth and Poverty Reduction includes specific references to the elimination of the worst forms of child labor and the provision of skills training and educational alternatives for children and their families.[4548]

Tanzania's Development Vision 2025 and its Poverty Eradication Strategy 2015 both identify education as a strategy for combating poverty. The country's poverty eradication agenda includes ensuring all children the right to basic quality education.[4549]

The government's Basic Education Master Plan aims to achieve universal access to basic education for children over the age of 7 years, and ensure that at least 80 percent of children complete primary education and are able to read and write by the age of 15 years.[4550] The government is implementing a 5-year Primary Education Development Plan (PEDP), begun in 2002, which aims to expand enrollment, improve the quality of teaching, and build capacity within the country's educational system. Under the PEDP, the government has committed up to 25 percent of its overall recurrent expenditures on the education sector, 62 percent of which is allocated to primary education. The government has received a USD 150 million credit from the World Bank to support this program.[4551] The government abolished school fees to promote children's enrollment in primary school under the PEDP.[4552]

The Government of Tanzania receives funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[4553]

Priorities, paper, Geneva, January 2002, 15; available from http://www.ilo.org/public/english/standards/ipec/about/implementation/ipecreport.pdf.

[4546] Government of Tanzania, The United Republic of Tanzania Poverty Monitoring Master Plan - Tanzania, ILO, [online] 2001[cited August 15, 2003]; available from http://www.logos-net.net/ilo/150_base/en/init/tan_2.htm.

[4547] United Republic of Tanzania, Poverty Reduction Strategy Paper: Progress Report 2000/2001, 4, 44.

[4548] ILO-IPEC, *Technical Progress Report: Supporting the Time Bound Programme on the Worst Forms of Child Labour in Tanzania*, Geneva, September, 2005.

[4549] UNESCO, Education for All 2000 Assessment: Country Reports- Tanzania, prepared by Ministry of Education and Culture, pursuant to UN General Assembly Resolution 52/84, 1999; available from http://www2.unesco.org/wef/countryreports/tanzania/contents.html.

[4550] Ibid., 2.2. See also U.S. Embassy- Dar es Salaam, *reporting,* October 23, 2002.

[4551] Government of the United Republic of Tanzania, Education Sector Development Programme: Primary Education Development Plan (2002-2006), Dar es Salaam, July 2001, iv, 21; available from http://www.tanedu.org/educationsctordevelopment1.pdf. See World Bank, Tanzania-Primary Education Development Program, October 10, 2001; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20012776~menuPK:34466~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

[4552] IRINNews, Tanzania: UNICEF calls for more efforts to educate girls.

[4553] World Bank, World Bank Announces First Group Of Countries For 'Education for All' Fast Track, press release, Washington, D.C., June 12, 2002; available from

http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

Thailand

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/11/2004	
Ratified Convention 182 8/16/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking and Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Thailand are unavailable.[4554] In rural areas, children work primarily in agriculture; and in urban areas, work in the service sector (small scale industry, gas stations, and restaurants), street vending, construction, manufacturing, and fishing sectors.[4555] Children also work in domestic service.[4556] Children are vulnerable to exploitation in the trafficking of drugs in Thailand,[4557] and are exploited in prostitution and pornography.[4558] Child labor is one of many problems associated with poverty. In 2000, less than 2.0 percent of the population in Thailand were living on less than USD 1 a day.[4559]

Thailand is a source, transit, and destination country for trafficking in persons, including children, for both labor and commercial sexual exploitation. Trafficking is exacerbated by sex tourism.[4560] Domestic NGOs report that girls ages 12 to 18 are trafficked from

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[4554] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4555] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Thailand*, Washington D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41661.htm. See also Vichitra Phromphantum, *Study Report: The Worst Forms of Child Labor*, ILO-IPEC and Office of the Permanent Secretary for Ministry of Labor and Social Welfare, Bangkok, September 20, 2001, 17, 32.

[4556] Nawarat Phlainoi, *Thailand - Child Domestic Workers: A Rapid Assessment*, ILO-IPEC, Geneva, April 2002. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 6d.

[4557] Vittawan Sunthornkajit, Thankakorn Kaiyanunta, Pornvisid Varavarn, and Somrouy Varatechakongka, *Thailand - Child Labor in Illicit Drug Activities: A Rapid Assessment*, ILO-IPEC, Geneva, August 2002; available from http://www.ilo.org/public/english/standards/ipec/simpoc/thailand/ra/drugs.pdf. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 6d.

[4558] ECPAT International CSEC Database, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (Thailand; accessed June 2, 2005). See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.

[4559] World Bank, *World Development Indicators* [CD-ROM], Washington, DC, 2005.

[4560] U.S. Department of State, *Trafficking in Persons Report- 2005: Thailand*, Washington, D.C., June 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5. U.S Embassy-Bangkok, *reporting*, September 15, 2004.

Burma, China, and Laos for the purposes of commercial sexual exploitation.[4561] Children are also trafficked into Thailand for indentured agricultural, factory, commercial fisheries or household labor, and street begging.[4562] Internal trafficking of children, especially members of northern Thailand's stateless ethnic tribes, also occurs.[4563]

The National Education Act of 1999 provides for a compulsory education period of 9 years, beginning at age 7, and free schooling for 12 years.[4564] In 2003, the gross primary enrollment rate was 97 percent and the net primary enrollment rate was 85 percent.[4565] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Thailand.[4566]

Child Labor Laws and Enforcement

Chapter Four of Thailand's Labor Protection Act of 1998 sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under age 18 are hired. The law permits children ages 15 to 18 to work only between the hours of 4 p.m. and 10 p.m. with written permission from the Director-General of Labor or a person assigned by the Director-General.[4567] Children under age 18 may not be employed in hazardous work, which is defined by the Act to include any work involving metalwork, hazardous chemicals, poisonous materials, radiation, harmful temperatures or noise levels, exposure to toxic micro-organisms, the operation of heavy equipment, and work underground or underwater. The maximum penalty for violation of the child labor sections of the Labor Protection Act is one year of imprisonment and fines of 200,000 baht (USD 4,969).[4568] The Labor Protection Act does not apply to the agricultural and informal sectors (including domestic work). However, Section 22 of the Act allows for protection in these sectors as prescribed through separate ministerial regulations,[4569] and in late 2004 and early 2005 the Ministry of Labor issued regulations to increase protections for child workers in informal sector work.[4570]

[4561] U.S. Department of State, *Country Reports-2004: Thailand*, Section 5. See also Christina Wille, *Thailand - Lao People's Democratic Republic and Thailand - Myanmar Border Areas: Trafficking in Children into the Worst Forms of Child Labor: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001; available from http://www.ilo.org/public/english/standards/ipec/simpoc/thailand/ra/border.pdf.
[4562] U.S. Embassy- Bangkok, *reporting*, March 2, 2005.
[4563] U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.
[4564] *National Education Act*, B.E. 2542, Sections 10, 17. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.
[4565] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[4566] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4567] Government of Thailand, *Labour Protection Act of 1998*, Chapter 4, Sections 44-45, 49-50; available from http://natlex.ilo.org/txt/E98THA01.htm.
[4568] Under Section 50, children are banned from work in places where alcohol is sold, in hotels, or in massage parlors. Ibid., Sections 22, 49-50, 148. For currency conversion see FXConverter, [online] May 27, 2005 [cited May 27, 2005]; available from http://www.carosta.de/frames/convert.htm.
[4569] *Labour Protection Act of 1998*, Section 22. U.S. Embassy- Bangkok, *reporting*, August 30, 2005.
[4570] These are the Ministerial Regulation on Labor Protection for Home Workers 2004 (effective September 8, 2004) and Ministerial Regulation on Labor Protection for Agriculture Workers 2004 (effective April 13,

The worst forms of child labor may be prosecuted under different statutes in Thailand. On March 30, 2004, the Child Protection Act 2003 came into force. The Act guarantees the rights of all children "in Thailand" or "of all nationalities" to be protected by the State against violence and unfair treatment. Violations, such as forcing children to become beggars, to work in dangerous conditions, or to perform obscene acts all carry penalties of 3 months of imprisonment or a fine of 30,000 baht (USD 731), or both. The Act also mandates the establishment of the National Child Protection Committee to provide guidance, oversight and issue regulations for matters of child protection.[4571] The 1997 Constitution proclaims that the State will protect labor, especially that of women and children.[4572] The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.[4573]

The 1996 Prevention and Suppression of Prostitution Act prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 18.[4574] Fines and terms of imprisonment under the law are based on the age of the child involved, with more severe terms established for prostitution involving children under the age of 16. For example, prostitution of children ages 16 to 18 is subject to jail terms of up to 15 years and maximum fines 300,000 baht (USD 7,453), while the range of penalties is nearly twice as much for those pimping and patronizing children ages 15 and under. The Prevention and Suppression of Prostitution Act also establishes that government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment and/or fines ranging between 300,000 and 400,000 baht (USD 7,453 to 9,938).[4575] The Prevention and Suppression of Trafficking in Women and Children Act of 1997 defines the list of trafficking-related activities that are sanctioned under the law and provides for basic protection for victims.[4576] The Penal Code Amendment Act of 1997 also establishes penalties for traffickers of children under the age of 18, regardless of the victim's nationality.[4577] The Criminal Procedure Amendment Act of 1999 provides protection for child victims in the

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2005). Royal Thai Embassy official, email communication to USDOL official, November 8, 2005. See also ILO, *Minister Opens Discussions on Extending Protection to Millions of Informal Economy Workers,* [online] June 30, 2005 [cited December 8, 2005]; available from http://www.ilo.org/public/english/region/asro/bangkok/public/releases/yr2005/pr05_18.htm. See also U.S. Embassy- Bangkok, *reporting,* August 30, 2005.

[4571] Kingdom of Thailand, *Child Protection Act*, (2003), Articles 14, 26, 78. See also Neil Stoneham, "Who Cares, Wins," *Bangkok Post* (Bangkok), June 14, 2004; available from http://www.bangkokpost.net/education/site2004/cvjn0804.htm. See also U.S Embassy-Bangkok, *reporting*, March 2, 2005. (For currency conversion see FX Converter, [online] June 21, 2005 [cited June 21, 2005]; available from http://www.carosta.de/frames/convert.htm.)

[4572] *Constitution of the Kingdom of Thailand*, (1997), Section 86.

[4573] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Thailand*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=880.

[4574] *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*; available from http://natlex.ilo.org/txt/E96THA01.htm. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.

[4575] *Prevention and Suppression of Prostitution Act*, Sections 8-12. (For currency conversion see FXConverter, *May 27, 2005*.)

[4576] Kingdom of Thailand, *Prevention and Suppression of Trafficking in Women and Children Act*, B.E. 2540, (1997).

[4577] Kingdom of Thailand, *Penal Code Amendment Act (no. 14)*, (1997).

course of testifying in cases of sexual exploitation.[4578] Since 1999, the Government of the Thailand has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4579]

Child labor laws are enforced by four government agencies: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the Ministry of Labor. Both periodic and complaint-driven labor inspections are conducted, and inspecting officers have the right to remove child workers from businesses and place them in government custody before court decisions on the cases.[4580] In general, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports, according to the U.S. Department of State. In addition, MOL inspections tend to focus 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 be more likely to occur. [4581] The U.S. Department of State also reports that a lack of resources is largely to blame for weak child labor law enforcement.[4582] The National Thai Working Group to Combat the Trafficking of Women and Children coordinates government ministries and agencies with overlapping anti-trafficking responsibilities.[4583] A new series of Memoranda of Understanding (MOU) in 2003 between government agencies and domestic NGOs provided new guidelines for the treatment of trafficked persons. In line with these guidelines, police are being trained to treat such individuals as victims of trafficking rather than as illegal immigrant workers, and victims are to become the responsibility of the Public Welfare Department instead of being deported. However, the U.S. State Department reports that implementation of the MOUs continued to be erratic due to insufficient training of law enforcement officials and their unfamiliarity with the law.[4584] In 2004, the latest year for which such information is available, the government reported 307 trafficking-related arrests, 66 prosecutions and 12 convictions.[4585]

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

The Government of Thailand has a draft National Plan of Action for the Elimination of the Worst Forms of Child Labor, and a draft National Plan for Children.[4586] The government maintains child labor assistance centers in every province, facilitates the

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[4578] Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002.
[4579] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4580] U.S. Embassy- Bangkok, *reporting*, September 18, 2000.
[4581] U.S. Department of State, *Country Reports-2004: Thailand*, Section 6d. See also U.S. Embassy-Bangkok, *reporting,* September 18, 2000.
[4582] U.S. Embassy- Bangkok, *reporting,* August 30, 2005.
[4583] U.S. Embassy- Bangkok, *reporting,* March 2, 2005.
[4584] U.S. Department of State, *Country Reports-2004: Thailand*, Section 5. See also U.S. Embassy-Bangkok, *reporting,* August 30, 2005.
[4585] U.S. Department of State, *Trafficking in Persons- 2005: Thailand*.
[4586] Both plans were scheduled to be passed by the government in 2005, but as of December they still had not been officially approved. See Royal-Thai Embassy Official, email communication to USDOL official, September 28 & 29, 2005.

participation of communities in preventing child labor activities by appointing "labor volunteers", and disseminates information on child labor nationwide through outreach programs.[4587] The Department of Public Welfare and Department of Skills Development provide vocational training to improve children's skills and prevent them from entering work prematurely.[4588] The 25th General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO), of which Thailand is a member, adopted the Resolution on the Prevention and Eradication of the Worst Forms of Child Labor. The resolution commits members to taking comprehensive action to remove children from hazardous and sexually exploitative work, and to raise awareness of the dangers associated with such work.[4589] Thailand is also a part of an USDOL-funded global project which aims to substantially reduce the engagement of children ages 5 to 17 in the worst forms of child labor.[4590]

The Royal Thai Government has a National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children. In January 2005 it approved the action plan for implementing the policy.[4591] The government collaborates on trafficking in persons issues with governments of neighboring countries, NGOs, and international organizations to raise awareness, provide shelters and social services, and assist in the repatriation of victims.[4592] Thailand has bilateral anti-trafficking MOUs with Cambodia and with Laos.[4593] Thailand is also a signatory to a multilateral MOU pledging cooperation on trafficking. Other signatories to the "Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)" include Burma, Cambodia, China, Indonesia, Laos, and Vietnam. The members held their first meeting in March 2005 and are currently drafting their Sub-regional Plan of Action (SPA).[4594] The Department of Social Development and Welfare (DSDW) and IOM cooperate in assisting trafficked

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[4587] U.S. Embassy- Bangkok, *reporting, August 30, 2005*.

[4588] UN/ILO, "Working Papers: Thailand " (paper presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001).

[4589] The resolution was adopted September 2004. AIPO, *Resolution on the Prevention and Eradication of the Worst Forms of Child Labour*, September, 2004; available from http://www.national-assembly.gov.kh/aipo_social_matters.htm.

[4590] Winrock International, *The Regional Community-based Innovation to Reduce Child Labor through Education (CIRCLE),* [online] n.d. [cited September 28, 2005]; available from http://www.winrock.org/where/display_country.cfm?CountryID=2090.

[4591] The policy was approved by the Royal Thai Government cabinet in July 2003 and covers the period 2003-2007. The action plan was approved with a proposed budget of USD 15.3 million. U.S. Embassy-Bangkok, *reporting March 2, 2005*.

[4592] Royal Thai Embassy, facsimile communication, September 5, 2002, 13.

[4593] *Memorandum of Understanding between the Royal Government of the Kingdom of Cambodia and the Royal Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking*, May 31, 2003; available from http://www.arcppt.org/docs/MOU%20Traffcking%20CAM-TH%20English.pdf. *Memorandum of Understanding between the Government of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, Especially Women and Children*, July 13, 2005; available from http://www.humantrafficking.org/collaboration/regional/eap/news/2005_07/thai_laos_mou_english.pdf.

[4594] The MOU was signed October 2004. U.S Embassy--Bangkok, *reporting*, March 2, 2005. See also Human Trafficking.org, *COMMIT Senior Officials Meeting 3,* [online] n.d. [cited May 31, 2005]; available from http://www.humantrafficking.org/collaboration/regional/eap/events/2005_03/commit_mtg.html.

individuals in Thailand[4595] and the DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.[4596] DSDW also operates six regional shelters for trafficked victims[4597] and provides child victims legal assistance, including counseling and rehabilitation services.[4598] The Royal Thai Police have an ongoing public awareness campaign on trafficking and a hotline for reporting suspected trafficking cases, while the government is providing training to police officers, prosecutors and judges on anti-trafficking laws.[4599] In response to the tsunami disaster, the government worked with IOM to implement a rapid response trafficking awareness project.[4600]

Thailand is included in an ILO-IPEC Sub-Regional Project funded by the United Kingdom and Japan through April 2008 to combat trafficking of women and children for exploitative labor in the Mekong sub-region[4601] and in two USDOL funded regional projects dealing with anti-trafficking[4602] and awareness raising to eliminate the worst forms of child labor.[4603] Thailand cooperates as part of a project between ASEAN and USAID on the elimination of trafficking in women and children in four Southeast Asian countries and China's Yunnan Province.[4604]

[4595] UN/ILO, "Thailand Working Paper", 8. See also Human Trafficking.org, *International Organization for Migration,* [online] November 2005 [cited December 7, 2005]; available from http://humantrafficking.org/countries/eap/thailand/ngos/intl/iom.html.

[4596] Royal Thai Embassy, facsimile communication, September 5, 2002, 9. See also, U.S Embassy-Bangkok, *reporting*, April 6, 2004.

[4597] U.S. Embassy- Bangkok, *reporting March 2, 2005*.

[4598] Royal Thai Embassy, facsimile communication, September 5, 2002.

[4599] Embassy--Bangkok, *reporting March 2, 2005*.

[4600] The project targeted 30,000 displaced/vulnerable women and children with activities including poster campaigns, telephone hotline, and life skills training. IOM, *IOM Press Briefing Notes,* [online] January 2005 [cited June 2, 2005]; available from http://www.iom.int/en/news/pbn140105.shtml#item3.

[4601] The USD 10,670,000 project, which began in 2000, also includes activities in China (Yunnan Province), Cambodia, Lao People's Democratic Republic (PDR), and Vietnam. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women,* [online] n.d. [cited May 20, 2005]; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm.

[4602] The USD 3,000,000 project began in September 2002 and covers Bangladesh, Nepal, Sri Lanka, Pakistan, Indonesia and Thailand. ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, technical progress report, Geneva, March 2005. See also ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, October 2004; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.

[4603] The USD 740,000 project began in 2001 and covers Indonesia, Philippines, Thailand and Vietnam. ILO-IPEC, *APEC Awareness Raising Campaign: Eliminating the Worst Forms of Child Labour and Providing Educational Opportunities*, technical progress report, Geneva, March 2005. See also ILO-IPEC, *IPEC Action Against Child Labour*.

[4604] The USD 6,400,000 "Asia Regional Cooperation to Prevent People Trafficking" (ARCPPT) also includes Burma, Cambodia and Laos. Under this project, special anti-trafficking units have been established with national law enforcement agencies. Additionally it strengthens regional cooperation and legal policy frameworks. Royal Thai Embassy, *Thailand's Actions for the Prevention of Trafficking in Women and Children,* [online] January 24, 2003 [cited May 27, 2005]; available from http://www.thaiembdc.org/socials/actionwc.html. See also Australian Embassy Bangkok, *AUSAID Program in Thailand Overview,* [online] n.d. [cited May 31, 2005]; available from http://www.austembassy.or.th/agency/ausaid/overview_eng.php.

The Ministry of Education (MOE) is currently implementing its Strategic Action Plan. The action plan has the following missions: to strengthen access to education for all; to establish an efficient system of quality education; and to raise education standards and enhance Thailand's competitiveness at the international level.[4605] The MOE is also supporting the Child Friendly Schools Project in collaboration with UNESCO, UNICEF, UN-HABITAT, and the Southeast Asian Ministers of Education Organization (SEAMEO). The project provides a safe environment to encourage child participation, creativity and learning in order to improve the learning environment.[4606] In July 2005, the Cabinet approved a draft directive from the MOE which calls for the provision of free education to children of non-Thai citizens, refugees, and those children without nationality or household registration.[4607]

The MOE is providing financial assistance grants to children who were orphaned and/or affected by the tsunami in order to allow them to continue with their education. The criteria define an orphan as a child who lost one or both parents, and define four categories of affected children. The MOE will provide 25,000 Baht (USD 615) for orphans and 15,000 Baht (USD 369) for affected children.[4608]

[4605] Ministry of Education, *Strategic Action Plan*, 2004.
[4606] Ministry of Education, *National Report 2004*, 2004; available from http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/thailand.pdf. See also Human Trafficking.org, *UNICEF: Child Protection Project,* [online] November 2005 [cited December 7, 2005]; available from http://www.humantrafficking.org/countries/eap/thailand/ngos/intl/unicef.html.
[4607] Human Trafficking.org, *Non-Thai Children May Access Free Education,* [online] October 2005 [cited October 26, 2005]; available from http://www.humantrafficking.org/countries/eap/thailand/news/2005_07/school_nonthai_children.html. See also The Nation, *In Brief,* [online] July 06, 2005 [cited October 26, 2005]; available from http://www.nationmultimedia.com/2005/07/06/national/index.php?news=national_17938302.html.
[4608] Ministry of Education, *Situation of Schools in Devastated Areas in Thailand Affected by Tsunami,* [online] n.d. [cited June 3, 2005]; available from www.moe.go.th/icpmoe/Other/Translated_News/Tsunami/Tsunami-index.htm. For currency conversion see FXConverter, *May 27, 2005*.

Togo

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/16/1984	
Ratified Convention 182	9/19/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

Incidence and Nature of Child Labor

An estimated 64.5 percent of children ages 5 to 14 were counted as working in Togo in 2000. Approximately 65.8 percent of all boys 5 to 14 were working compared to 63.3 percent of girls in the same age group.[4609] Children are found working in both urban and rural areas, particularly in family-based farming and small-scale trading.[4610] In rural areas, young children are sometimes placed in domestic work in exchange for a one-time fee of 15,000 to 20,000 CFA francs (USD 27 to 36) paid to their parents.[4611] Some children start work at age five. Typically these children do not attend school for at least two thirds of the year. In some cases children work in factories.[4612] Children are also involved in commercial sexual exploitation, working as prostitutes in bars, restaurants and hotels.[4613]

Togo is a country of origin, destination, and transit for children trafficked for the purposes of forced domestic labor, sexual exploitation and agricultural work.[4614] Four primary routes for child trafficking in Togo have been documented: (1) trafficking of Togolese girls for domestic and market labor in Gabon, Benin, Niger and Nigeria as well

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[4609] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4610] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Togo*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41631.htm.

[4611] Ibid., Section 6d. For currency conversion, see FX Converter, [online] [cited December 14, 2005]; available from http://www.oanda.com/convert/classic.

[4612] U.S. Department of State, *Country Reports- 2004: Togo*, Section 6d.

[4613] Integrated Regional Information Networks, "TOGO: Child prostitution goes unchecked in Togo", IRINnews.org, [online], April 23, 2004 [cited May 19, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40715. Some children who work as market vendors for older women are prostituted at night. See ECPAT International, *Togo,* in ECPAT International, [database online] n.d. [cited December 14, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=174&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[4614] U.S. Department of State, *Trafficking in Persons Report- 2005: Togo*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm. See also U.S. Department of State, *Country Reports- 2004: Togo*, Section 5.

as for prostitution in Nigeria; (2) trafficking of girls within the country, particularly to the capital city, Lomé, often for domestic or market labor; (3) trafficking of girls from Benin, Nigeria and Ghana to Lomé; and (4) trafficking of boys for labor exploitation, usually in agriculture, in Nigeria, Benin and Côte d'Ivoire.[4615] Trafficked boys sometimes work with hazardous equipment, and some describe conditions similar to bonded labor. In a study by Human Rights Watch, boys reportedly worked from 5 a.m. until late at night, often using saws or machetes. Traffickers would pay for their journey to Nigeria and order them to work off the debt. Many stated that taking time off work for sickness or injury would lead to longer working hours or some form of physical punishment.[4616] Children are also trafficked as indentured servants in exploitative situations from Togo to the Middle East and Europe.[4617] Parents sometimes sell children to traffickers in exchange for bicycles, radios, or clothing.[4618] Togo also serves as a transit country for children trafficked from Burkina Faso, Ghana, Côte d'Ivoire, and Nigeria.[4619]

Education is compulsory until 15 years,[4620] and is guaranteed free by government statute. Despite this guarantee, school fees ranging from 4,000 to 13,000 CFA francs (USD 7 to 24) are often required.[4621] In 2002, the gross primary enrollment rate was 121 percent, and the net primary enrollment rate was 91 percent.[4622] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 61.8 percent of children ages 5 to 14 years were attending school.[4623] As of 2001, 69 percent of children who started primary school were likely to reach grade 5.[4624] Some of the shortcomings of the education system include teacher shortages, lower educational quality in rural areas, high repetition and dropout rates, and sexual harassment of female students by male teachers.[4625]

[4615] Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, Vol. 15, No. 8 (A), New York, April, 2003, 1-2; available from http://www.hrw.org/reports/2003/togo0403/. See also U.S. Department of State, *Country Reports- 2004: Togo*, Section 5.
[4616] Ibid., 2.
[4617] U.S. Department of State, *Country Reports- 2004: Togo*, Section 5.
[4618] Ibid. See also Integrated Regional Information Networks, "West Africa: Impoverished Families Trade Their Children", IRINnews.org, [online], 2005 [cited July 1, 2005]; available from http://www.irinnews.org/report.asp?ReportID=47680&SelectRegion=West_AFrica.
[4619] There are reports of Nigerian children being trafficked through Togo to Europe for prostitution. U.S. Department of State, *Country Reports- 2004: Togo*, Section 5.
[4620] Ibid. See also Government of Togo, *Projet de Code de l'Enfant*, (November, 2001), Article 249.
[4621] Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, 1.
[4622] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[4623] UCW analysis of ILO SIMPOC, UNICEF MICS, and and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.
[4624] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4625] M. Egnonto Koffi-Tessio, *Human Resource Development for Poverty Reduction and Household Food Security: Situation of Education and Training in Togo*, University of Lomé, Advanced School of Agronomy, Lomé, 2000. See also World Bank, *Togo Country Assistance Evaluation*, no. 21410, Operations Evaluation Department, November 20, 2000, 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum employment age in any enterprise at 14 years, unless an exemption is granted by the Ministry of Labor.[4626] Children may not begin apprenticeships before completing the mandatory level of education, or before the age of 15.[4627] In 2000, the government revised portions of the Apprenticeship Code, resulting in guidelines governing the length of the workday, working conditions, and apprenticeship fees.[4628] For some industrial and technical jobs the minimum age is 18. The U.S. Department of State reported that the Ministry of Labor enforces the age requirement, but only in the urban, formal sector.[4629]

The worst forms of child labor may be prosecuted under different statutes in Togo. In 2001, the Ministries of Justice, Interior, Social Affairs, and Labor and UNICEF drafted a Child Code that would prohibit the employment of children in the worst forms of child labor, including the selling of children for the purposes of sexual exploitation or forced labor or servitude. The worst forms of child labor are defined in the draft code to include all forms of slavery; forced and compulsory labor; forced recruitment of children for use in armed conflicts; use or recruitment of children for purposes of prostitution or pornography; use or recruitment of children for illicit activities including the trafficking of drugs; and any work which is harmful to the health, safety or morals of the child. [4630] As of the end of 2005, the code had not yet been adopted into law. Since 1999, the Government of Togo has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4631]

In 2005 the government passed a law that punishes child traffickers and their accomplices. Under the law, traffickers could face a prison sentence of up to 10 years and fines of up to 10 million CFA francs (USD 18,000).[4632] Article 78 of the Penal Code prohibits the corruption, abduction or transfer of children against the will of a child's guardian.[4633] Article 94 of the Penal Code prohibits the solicitation and procurement of minors for the purpose of prostitution.[4634] The Ministry of Social Affairs, Promotion of

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[4626] Government of Togo, *Code du Travail*, Ordonnance No. 16, (May 8, 1974), Article 114.
[4627] An exception is made for children who have abandoned school or who were not able to attend school. These children may begin apprenticeships at 14 years. See *Projet de Code de l'Enfant*, Articles 259 and 260.
[4628] Ibid. Articles 259- 297.
[4629] U.S. Department of State, *Country Reports- 2004: Togo*, Section 6d.
[4630] Ibid. Articles 311, 312, 460.
[4631] ILO-IPEC Geneva official, email communication to USDOL official, November 14, 2005.
[4632] U.S. Embassy- Lome, *reporting*, September 26, 2005. See also Integrated Regional Information Networks, "Togo: Law passed to crack down on child traffickers," IRINnews.org, [online], 2005 [cited December 14]; available from http://www.irinnews.org/report.asp?ReportID=48460&SelectRegion=West_Africa.
[4635] Government of Togo, *Penal Code*; available from http://209.190.246.239/protectionproject/statutesPDF/Togo.pdf.
[4636] The project began in July 2001 and is scheduled for completion in June 2007. See Ibid.

Women, and Protection of Children is responsible for enforcing laws prohibiting the worst forms of child labor, but lacks resources to implement its mandate.[4635]

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

The Government of Togo is one of six countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[4636] The government is also participating in a USD 2 million USDOL-funded education initiative in Togo to promote education for victims of child trafficking and children at risk of being trafficked.[4637]

The government also funds a Social Center for Abandoned Children.[4638] Nine West African countries, Benin, Burkina, Cote d'Ivoire, Gambia, Ghana, Guinea, Mali, Niger, and Togo signed the Abidjan Multilateral Agreement on July 27, 2005. As part of the accord, the signatories committed to work together to identify trafficked children and provide protective services. The agreement also lays out requirements for each state party and provides general guidelines for child anti-trafficking activities. The government has a National Plan of Action on child abuse, child labor, and child trafficking that includes activities such as strengthening border controls, awareness-raising campaigns, and establishing community structures for prevention and reintegration of child trafficking victims.[4639] The government also established five regional committees for the purpose of coordinating with local and international organizations on trafficking-related issues. [4640] UNICEF and various NGOs are assisting Togo to strengthen community capacity to combat child trafficking.[4641]

[4635] U.S. Department of State, *Country Reports- 2004: Togo*, Section 6d.
[4638] The regional child trafficking project covers Benin, Burkina Faso, Cote d'Ivoire, Mali, Gabon, and Togo. See ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 1, 2004.
[4639] The four-year project began in 2002. See U.S. Department of Labor, *Combating Child Trafficking in Togo through Education*, Project Document, Washington, DC, April 22, 2002.
[4638] U.S. Department of State, *Country Reports- 2004: Togo*, Section 5.
[4639] ECPAT International, *Togo*.
[4640] U.S. Department of State, *Trafficking in Persons Report: Togo*.
[4641] UNICEF, *At a glance: Togo,* in UNICEF, [online] n.d. [cited July 1, 2005]; available from http://www.unicef.org/infobycountry/togo.html.

Tonga

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[4642]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under 15 in Tonga are unavailable.[4643] The U.S. Department of State reported that there was no child labor in the formal economy in 2004, the most recent time period for which such information is available.[4644]

The Education Act of 1974 provides for free and compulsory education for children ages 6 to 14.[4645] In 2002, the gross primary enrollment rate was 112 percent and in 2001, the net primary enrollment rate was 100 percent.[4646] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Tonga.[4647] Although the quality of schooling in Tonga has been criticized, education is available through high school and the country has been recognized as having achieved universal primary education.[4648] In addition, retention rates to secondary school are high.[4649]

[4642] The Government of Tonga is not a member of the ILO, and is thus unable to ratify ILO conventions.
[4643] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.
[4644] U.S. Department of State, *Country Reports on Human Rights Practices- 2005: Tonga*, Washington D. C., February 25, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27791.htm.
[4645] Government of Tonga, *Ministry of Education,* [online] [cited May 19, 2005]; available from http://pmo.gov.to/ministry_of_education.htm.
[4646] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?Report=51 (Gross and Net Enrolment Ratios. primary; Accessed December 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.
[4647] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4648] U.S. Department of State, *Country Reports-2004: Tonga*.
[4649] ADB, *Millenium Development Goals in the Pacific: Relevance and Progress*, Manila, March 2003; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=48.

Child Labor Laws and Enforcement

There is no legislation in Tonga that establishes a minimum age for work.[4650] The worst forms of child labor may be prosecuted under different statutes in Tonga. The Constitution prohibits forced or bonded labor.[4651] There is no military conscription in Tonga.[4652] Technically, prostitution is not illegal, but owning and/or operating a brothel, pimping, and soliciting in a public place are all prohibited activities under the Criminal Code.[4653] Penalties for offenses range from imprisonment for 6 months to 2 years. Males convicted a second time of profiting from prostitution may be subject to whipping. The Criminal Code prohibits any person from procuring or attempting to procure any girl under the age of 21 for the purposes of trafficking for prostitution. The punishment for this offense is imprisonment for up to 5 years. The abduction of women and girls is also illegal under the Criminal Code, with penalties ranging from 5 to 7 years of imprisonment.[4654]

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

The Government of Tonga has established goals to further improve the educational system through the Ministry of Education's 1996 Strategic Plan. The plan calls for an increase by 2010 in the compulsory school age to 17 years, and for the establishment of universal access to quality education up to age 17.[4655] It also calls for strengthening the Ministry of Education and enhancing training, expanding and developing vocational and distance education, and establishing formal pre-school programs.[4656]

The Australia Government Agency for International Development (AusAID), the largest aid donor to Tonga, provides financial assistance to the Ha'apai Development Fund, which supports projects in the Ha'apai islands of Tonga. The fund is overseen by government and community representatives and has involved the construction of teacher housing.[4657]

[4650] U.S. Department of State, *Country Reports-2004: Tonga*.

[4651] Regarding forced labor, the Constitution states, "No person shall serve another against his will except he be undergoing punishment by law..." See *Constitution of Tonga*, Part I, Clause 2; available from http://www.vanuatu.usp.ac.fj/paclawmat/Tonga_legislation/Tonga_Constitution.html.

[4652] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, 2004.

[4653] Government of Tonga, *Criminal Code of Tonga*; available from http://www.vanuatu.usp.ac.fj/Paclawmat/Tonga_legislation/Consolidation_1988/Tonga_Criminal_Offences.html.

[4654] Ibid., 126, 128-129.

[4655] The plan calls for an increase in compulsory age to 17 years or "Form 6 level" and for universal access to quality education up age 17 years or Form 6. Form 6 is presumed to be the highest secondary education level that can be achieved in Tonga. UNESCO, *Education for All 2000 Assessment: Country Reports - Tonga*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/tonga/contents.html.

[4656] Ibid.

[4657] AusAID, *Tonga Program Details,* [online] 2004 [cited May 13, 2004]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=8841_493_2758_7608_689&CountryID=19&Region=SouthPacific.

Tonga is part of the Pacific Regional Initiative for Delivery of Basic Education (PRIDE), which will harmonize basic education plans in the region and place qualified teachers in all primary schools in the Pacific. This program is funded by the New Zealand Agency for International Development (NZAID) in cooperation with the University of the South Pacific and the Pacific Islands Forum Secretariat. NZAID will also build a high school for 200 children in Niuas, the northernmost outer islands of Tonga.[4658]
In addition, UNICEF works with government agencies and NGOs to address children's health and youth development in the country.[4659]

[4658] NZAID, *NZAid June 2003 Newsletter,* [online] 2004 [cited May 13, 2004]; available from www.nzaid.govt.nz/library/newsletters/o306-newzaid.html.
[4659] UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries,* [online] [cited May 19, 2004]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm, AusAID, *Tonga Program Details,* [online] 2004 [cited May 13, 2004]; available from www.usaid.gov.au/country/cbrief.cfm?DCon=8494_3966_5283_4961_7927&Country.

Trinidad and Tobago

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 9/3/2004	
Ratified Convention 182 4/23/2003	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

An estimated 3.5 percent of children ages 5 to 14 years were counted as working in Trinidad and Tobago in 2000. Approximately 4.5 percent of all boys 5 to 14 were working compared to 2.6 percent of girls in the same age group.[4660] The ILO indicated that in 2001 an estimated 1.2 percent of children aged 5 to 14 were engaged in paid work.[4661] Children are engaged in agriculture, scavenging, loading and stocking goods, gardening, car repair, car washing, construction, fishing, and begging.[4662] Children also work as handymen, shop assistants, cosmetologists' assistants, domestic servants,[4663] and street vendors.[4664] These activities are usually reported as being part of family activities.[4665]

Primary education is free and compulsory between the ages of 6 and 12 years. However, in practice, children tend to attend school between the ages of 6 and 15 years. Enrollment rates for female and male students are relatively equal.[4666] In 2002, the gross primary enrollment rate was 100 percent, and the net primary enrollment rate was 91 percent.[4667] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 97 percent of children 5 to 14 years were attending school.[4668] The rate of

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[4660] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section of the report titled "Data Sources and Definitions."

[4661] U.S. Embassy- Port of Spain, *reporting*, August 26, 2005.

[4662] U.S. Embassy- Port of Spain, *reporting*, August 4, 2004.

[4663] U.S. Embassy- Port of Spain, *reporting*, October 2, 2002.

[4664] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Trinidad and Tobago*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27921.htm.

[4665] U.S. Embassy- Port of Spain, *reporting,* August 4, 2004.

[4666] U.S. Embassy- Port of Spain, *reporting, September 1, 2001*. See also Leith L. Dunn, *The Situation of Children in the Worst Forms of Child Labor in a tourist economy: a Rapid Assessment.*, ILO-IPEC, November 2002, 18.

[4667] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[4668] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

repetition in primary school was 8 percent of total enrollment in the same year.[4669] As of 2000, 71 percent of children who started primary school were likely to reach grade five.[4670] The public school system does not adequately meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional violence in the classroom.[4671]

Child Labor Laws and Enforcement

The Children's Act establishes the minimum age for employment in family business at 12 years, and prohibits children under 14 years from work in factories, in public industries, or on ships.[4672] According to the Children's Act, children under the age of 18 may work only during daylight hours. Exceptions are made for children involved in family business and children ages 16 to 18 working at night in sugar factories.[4673]

The worst forms of child labor may be prosecuted under different statutes in Trinidad and Tobago. There are no laws prohibiting trafficking,[4674] but the Criminal Code prohibits procuring a minor under the age of 16 years for the purpose of prostitution.[4675] The punishment for procurement is 15 years of imprisonment.[4676] Trafficking may also be prosecuted under laws that address kidnapping, labor conditions, procurement of sex, prostitution, slavery, and indentured servitude.[4677] The use of children under the age of 16 in pornography is also prohibited.[4678] There is no compulsory military service in Trinidad & Tobago; the minimum age for voluntary military service is 16.[4679]

The Ministry of Labor and Small and Micro-Enterprise Development and the Ministry of Social Development are currently responsible for enforcing child labor provisions. According to the U.S. Department of State, enforcement is weak because there is no comprehensive government policy on child labor and there are no established mechanisms for receiving, investigating, and addressing child labor complaints.[4680]

[4669] The repetition rate for males was slightly higher. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.
[4670] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4671] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 5.
[4672] Dunn, *The Situation of Children in the Worst Forms of Child Labor*, 17, 18. See also U.S. Embassy- Port of Spain, *reporting, August 4, 2004*.
[4673] Dunn, *The Situation of Children in the Worst Forms of Child Labor*, 18. See also U.S. Embassy- Port of Spain, *reporting, September 1, 2001*.
[4674] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 6f.
[4675] Article 17 of the Criminal Code, as cited in The Protection Project, "Trinidad and Tobago," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://209.190.246.239/ver2/cr/tt.pdf.
[4676] Ibid.
[4677] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 6f.
[4678] U.S. Embassy- Port of Spain, *reporting,* September 1, 2001.
[4679] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, 2004 2004; available from http://www.child-soldiers.org/document_get.php?id=838.
[4680] U.S. Embassy- Port of Spain, email communication to USDOL official, May 24, 2005.

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

The National Steering Committee for the Prevention and Elimination of Child Labor recently launched a project to withdraw and rehabilitate child laborers in two landfill sites in Trinidad and Tobago.[4681] An Inter-Ministerial Coordinating Committee for Children in Need of Special Protection, under the Ministry of Social Development, is creating a system to monitor children in need of assistance, including those at risk of exploitative child labor; analyzing data; developing policy; and promoting cooperation between government ministries, NGOs, and the private sector.[4682] The National Plan for Children has been under review by the United Nations Committee on the Rights of the Child in 2005, following inquiries regarding delays and necessary improvements on the implementation of the Plan.[4683] The UN Committee Expert serving as country Rapporteur has noted the creation of an inter-ministerial committee to ensure the implementation of the Plan in 2005. ILO-IPEC works with the Government of Trinidad and Tobago to implement a regional project to combat the worst forms of children labor.[4684]

The Ministry of Education (MOE) is piloting a School Support Services Program to offer counseling, homework assistance, and other support to high risk children. The MOE has also implemented a book loan/grant system for primary and secondary students.[4685]

Existing government child and youth programs also include the Youth Training and Employment Partnership Program, and Youth Development and Apprenticeship Centers. Government programs focus mainly on providing at-risk youth with short-term care, remedial education, and vocational training.[4686]

[4681] U.S. Embassy- Port of Spain, *reporting*. Also ILO, *The Situation of Children in Landfill Sites and other Worst Forms of Child Labor: A Rapid Assessment*, December 2002.
[4682] U.S. Embassy- Port of Spain, *reporting,* August 4, 2004.
[4683] U.N. Committee on the Rights of the Child, "Committee on Rights of Child Considers Report of Trinidad and Tobago," *Press Release*, January 16, 2006; available from http://www.hrea.org/lists/child-rights/markup/msg00385.html.
[4684] The projects were funded by the Canadian government in 2002 and 2003. See ILO-IPEC - Geneva official, email communication to USDOL official, May 12, 2004.
[4685] U.S. Embassy- Port of Spain, *reporting, August 4, 2004*.
[4686] U.S. Embassy- Port of Spain, email communication.

Tunisia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/19/1995	
Ratified Convention 182	2/28/2000	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Tunisia are unavailable.[4687] Children work in agriculture in rural areas and as vendors in urban areas, mainly during school vacations.[4688] There are also reports of children working in the handicraft industry in apprenticeships and of families placing teenage girls as household domestics, although this practice has reportedly declined through enforcement of laws on minimum work age and compulsory school attendance.[4689] Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population of Tunisia were living on less than USD 1 a day.[4690]

Education is compulsory and free between the ages of 6 and 16.[4691] In 2002, the gross primary enrollment rate was 111 percent and the net primary enrollment rate was 97 percent.[4692] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance in urban areas is higher than in rural areas (97.2 percent and 90.5 percent respectively).[4693] Primary school attendance statistics are not available for

[4687] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[4688] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Tunisia*, February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41733.htm.

[4689] Ibid. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Tunisia*, February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27939.htm.

[4690] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[4691] U.S. Department of State, *Country Reports on Human Rights Practices -2004: Tunisia*, Section 5. See also UN, *Country Profiles on the Situation of Youth: Tunisia,* [database online] [cited May 20, 2004]; available from http://esa.un.org/socdev/unyin/countrya.asp?countrycode=tn.

[4692] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[4693] Government of Tunisia, *Multiple Indicator Cluster Survey (MICS) Report: Tunisia*, UNICEF, 2000; available from http://www.childinfo.org/MICS2/newreports/tunisia/tunisia.pdf.

Tunisia.[4694] As of 2001, 96 percent of children who started primary school were likely to reach grade 5.[4695]

Child Labor Laws and Enforcement

The Labor Code of 1966 sets the minimum age for employment at 16 years, which coincides with the country's compulsory education requirement. There are some exceptions to this age, however.[4696] Children may work as apprentices or through vocational training programs at age 14.[4697] Furthermore, children under 16 years of age may work in family-run businesses as long as the work does not interfere with school, pose a threat to the child's health, exceed 2 hours per day, or exceed 7 hours per day when combined with time spent in school.[4698] In regard to nonagricultural jobs, the code also prohibits children under 14 from working at night, between 8 p.m. and 8 a.m., and prohibits children 14 to 18 years of age from working between 10 p.m. and 6 a.m. For agricultural work, the code states that children under 18 years must have fixed rest periods and cannot work between 10 p.m. and 5 a.m.[4699] The Labor Code establishes 18 years as the minimum age for hazardous work and authorizes the Ministry of Social Affairs to determine the jobs that fall in this category.[4700] Young workers in the non-agricultural sector under the age of 18 cannot be paid a salary below 85 percent of the salary paid to adults.[4701] Labor inspectors from the Ministry of Social Affairs and Solidarity are responsible for enforcing labor laws, including child labor laws.[4702]

Since 1999, the Government of Tunisia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4703]

The worst forms of child labor may be prosecuted under different statutes in Tunisia. Forced and bonded labor by children is prohibited by law, and there are no reports of such practices.[4704] In 1995, the Government of Tunisia passed the Child Protection Code, which protects children under 18 years from abuse and exploitation, including

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[4694] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4695] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4696] U.S. Department of State, *Country Reports on Human Rights Practices -2004: Tunisia*, Section 6d. See also Government of Tunisia, *Code du Travail, 1966*, Loi no. 66-27, (April 30, 1966); available from hard copy on file.
[4697] *Code du Travail*, Article 53-2.
[4698] Ibid., Article 54.
[4699] Ibid., Articles 65, 66, 74.
[4700] Ibid., Article 58. See also U.S. Embassy-Tunis, *reporting*, August 11, 2003.
[4701] ILO NATLEX National Labor Law Database, http://www.ilo.org/dyn/natlex/natlex_browse.home (Décret no 2003-1691 du 18 aout 2003 fixant le salaire minimum interprofessionel garanti dans les secteurs non agricoles régis par le Code du travail, accessed June 3, 2005).
[4702] *Code du Travail*, Articles 170-171.
[4703] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4704] U.S. Department of State, *Country Reports on Human Rights Practices -2004: Tunisia*, Section 6c.

participation in wars or armed conflicts, prostitution, and hazardous labor conditions.[4705] The government's Child Protection Code is enforced by a corps of delegates in charge of child protection in the country's 24 governorates.[4706] In addition, two ministries, the Ministry of Women's, Family, Child and Elderly Affairs, and the Ministry of Youth, Sports and Physical Education are responsible for enforcing children's rights.[4707] According to the U.S. Department of State, the Government of Tunisia upheld the standards of ILO Convention 182 and enacted regulations on "the worst forms of child labor" and "hazardous" work. Inspectors from the Ministry of Social Affairs and Solidarity verified employers' compliance with the minimum age law.[4708] There have been no reports of international or domestic trafficking of Tunisian children.[4709]

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

The Government of Tunisia's policies aim to protect children through enforcement of relevant laws and to create jobs for adults so that children can attend school.[4710]

In 2004, the World Bank approved a USD 130 million loan for the second phase of an Education Quality Improvement Project designed to facilitate the Ministry of Education's efforts to promote primary and secondary education.[4711] This project aims to boost school enrollment and completion rates for children ages 6 to 18 years, and to develop stronger links between secondary education and vocational training and higher education institutions.[4712] Along with other countries participating in the Third Arab Congress on Children's Rights, Tunisia is implementing a 2004 - 2015 plan to promote quality education and healthy development for boys and girls and committed to share lessons among countries.[4713]

[4705] Government of Tunisia, *Loi No. 95-92, 1995, Relative a la publication du code de la protection de l'enfant*, (November 9, 1995); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm.
[4706] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Tunisia*, March 31, 2003; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18290.htm. See also Tunisie.com, *Action Sociale: Protection de l'enfance,* May 14, 2004 [cited March 11, 2004]; available from http://www.tunisie.com/societe/action/html.
[4707] U.S. Department of State, *Country Reports on Human Rights Practices -2004: Tunisia*, Section 5.
[4708] Ibid., Section 6d.
[4709] Ibid., Section 5. See also U.S. Embassy-Tunis, *reporting*, March 9, 2004.
[4710] U.N. Information Center in Tunis, *Le Comité des Droits de l'Enfant examine le deuxième rapport périodique de la Tunisie*, May 28, 2002; available from http://www.onu.org.tn/enfantun.htm.
[4711] World Bank, *Tunisia: World Bank Supports Efforts to Improve Teaching, Learning in Schools,* March 10, 2004 [cited May 14, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20175801~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.
[4712] Ibid.
[4713] Management Systems International, *Technical Progress Report. Project Adros. Combatting Child Labor Through Education in Morocco*, Rabat, March 31, 2004.

Turkey

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/30/98	
Ratified Convention 182	8/2/01	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 4.2 percent of children ages 5 to 14 years were counted as working in Turkey in 1999. Approximately 4.6 percent of all boys 5 to 14 were working compared to 3.7 percent of girls in the same age group. The majority of working children were found in the agricultural sector (66.7 percent), followed by services (18 percent), manufacturing (13.4 percent), and other sectors (2 percent).[4714] Children are engaged in metal work, woodworking, textiles and leather goods production, domestic service,[4715] automobile repair, furniture making, hotel and catering work, and footwear production.[4716] Currently, the government has identified the worst forms of child labor as street work, work in hazardous industries or the urban informal economy, and seasonal agricultural labor.[4717] A rapid assessment on working street children in 2001 found that street children in the cities of Diyarbakir, Adana, and Istanbul pick through garbage at dumpsites, shine shoes, and sell various goods, among other activities.[4718] Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population in Turkey were living on less than USD 1 a day.[4719]

[4714] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

[4715] This data is based on a 1994 joint Ministry of Labor and Social Security-IPEC survey as well as a second joint IPEC-Turkish Development Foundation survey. See Government of Turkey and UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary,* [online] 1998 [cited March 18, 2004], Section E: Child Labor; available from http://www.die.gov.tr/CIN/Sa98.pdf. See also Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy on Child Labor in Turkey*, Ankara, June 2000, 3, 26.

[4716] Government of Turkey and UNICEF, *Situation of Children and Women*, Section E: Child Labor. See also Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 26.

[4717] ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, project document, TUR/03/P50/USA, Geneva, 2003, 4. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Turkey*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41713.htm.

[4718] Bahattin Aksit, Nuray Karanci, and Ayse Gunduz-Hosgor, *Turkey Working Street Children in Three Metropolitan Cities: A Rapid Assessment*, ILO, Geneva, November 2001, 41-42; available from http://www.ilo.org/public/english/standards/ipec/simpoc/turkey/ra/street.pdf.

[4719] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

Girls are trafficked to Turkey from Eastern Europe, the Caucasus, and Central Asia for the purposes of commercial sexual exploitation.[4720] Turkey is also used as a transit point for children trafficked to Western Europe, Central Asia, the Middle East, the former Yugoslavia, and Africa for sexual exploitation and forced labor.[4721]

Under the Compulsory Basic Education Act, primary education is obligatory for a period of 8 years. A typical child's basic education is concluded by age 13 or 14.[4722] In 2002, the gross primary enrollment rate was 91 percent and the net primary enrollment rate was 86 percent.[4723] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, 88.1 percent of children ages 5 to 14 years were attending school.[4724]

Child Labor Laws and Enforcement

The Labor Law establishes the minimum age for employment at 15 years. The law, however, allows children 14 years of age to perform light work that does not interfere with their education, and enables governors in provinces dependent on agriculture to determine the minimum age for work in that sector. Before beginning a heavy and dangerous job, children ages 15 to 18 years of age must undergo a physical examination, which is to be repeated every 6 months.[4725] Children under 16 are permitted to work no more than 8 hours per day.[4726] While attending school, children are prohibited from working more than 2 hours per day or 10 hours per week. The Apprenticeship and Vocational Training Act No. 3308 allows children ages 14 to 18 who have completed the mandatory 8 years of education to be employed as apprentices. Apprenticeship programs provide a wide range of occupational training at 346 training centers in 81 cities and in 113 occupations.[4727] Ministry of National Education Training Centers are required by law to inspect these apprenticeship workplaces and ensure adequate working conditions.[4728]

[4720] U.S. Department of State, *Trafficking in Persons Report- 2005: Turkey*, June 2005, 214-5; available from http://www.state.gov/documents/organization/47255.pdf. See also U.S. Department of State, *Country Reports-2004: Turkey*, Section 5.
[4721] U.S. Department of State, *Trafficking in Persons-2005*. See also U.S. Department of State, *Country Reports-2004: Turkey*, Section 5.
[4722] Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor in Turkey*, Washington, D.C., November 9, 2001, 5. See also U.S. Department of State, *Country Reports-2004: Turkey*, Section 5.
[4723] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005).
[4724] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[4725] U.S. Embassy- Ankara, *reporting*, August 22, 2003.
[4726] U.S. Department of State, *Country Reports-2004: Turkey*, Section 6d.
[4727] Ibid.
[4728] Ibid.

According to the Constitution, no person is required to perform work unsuitable for their age or capabilities.[4729]

The worst forms of child labor may be prosecuted under different statutes in Turkey. The minimum age for recruitment into the armed forces is 19 years.[4730] Criminal law prohibits prostitution under the age of 21[4731] and the sexual exploitation of children.[4732] A new Penal Code, which became effective June 1, 2005, forbids the use of children in pornographic materials. This is punishable by imprisonment for 5 to 10 years.[4733] The Penal Code also designates the trafficking of persons as a crime. Those convicted face 8 to 12 years in prison and, at the judge's discretion, an additional 10,000 days of incarceration.[4734] The Code calls for a fine not less than 1 billion Turkish Lira (USD 737).[4735] Since 1999, the Government of Turkey submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4736] The Ministry of Labor Social Security (MOLSS) also published a list of permitted occupations for children 15 to 18 years of age.[4737] Children 15 to 18 years are not permitted to work in bars, coffee houses, dance halls, cabarets, casinos, or public baths, or to engage in industrial night work. The law prohibits underground and underwater work for women of any age and for boys under the age of 18.[4738]

The MOLSS Labor Inspection Board is responsible for enforcing child labor laws in Turkey.[4739] According to the Board, the MOLSS has been unable to effectively prevent child labor for a variety of reasons, including traditional attitudes, socio-economic factors, and the predominantly informal nature of child labor in Turkey. According to the

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[4729] *Constitution of the Republic of Turkey*, Article 50; available from http://www.hri.org/docs/turkey/.
[4730] Coalition to Stop the Use of Child Soldiers, *Global Report- Turkey*, 2004; available from http://www.child-soldiers.org/document_get.php?id=933.
[4731] Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children- Turkey,* September 26, 2005; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaTurkey.asp.
[4732] U.S. Embassy- Ankara, *reporting,* August 22, 2003.
[4733] ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, technical progress report, TUR/03/P50/USA, Geneva, March 2005, 2. See also Ministry of Foreign Affairs Republic of Turkey, *Turkey on Trafficking in Human Beings*, June 27, 2005; available from http://www.mfa.tr/MFA/ForeignPolicy/MainIssues/TurkeyOnTraficingInHumanBeings/TurkeyonTrafficinginHumanBeings.htm.
[4734] U.S. Department of State, *Country Reports-2004: Turkey*, Section 5. See also Republic of Turkey, *Turkey on Trafficking in Human Beings*.
[4735] U.S. Embassy- Ankara, *reporting, August 22, 2003*. See also OANDA.com, *FX Converter,* [cited November 21, 2005]; available from http://www.oanda.com/convert/classic.
[4736] U.S. Embassy- Ankara, *reporting*, August 26, 2004. See also ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4737] U.S. Embassy- Ankara, *reporting,* August 26, 2004.
[4738] See Article 176 of the 1930 General Health Care Act 1593 and Articles 68, 69, 78 of the Labor Act 1475 as cited in Turkish Confederation of Employer Associations and ILO Ankara, *Child Labor in Turkey*, ILO Publications Bureau, Geneva, 1997, 31.
[4739] Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 5-6. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*.

U.S. Department of State, the work in which many children engage is not covered by labor laws, such as work in agricultural sites/workplaces with fewer than 50 workers, maritime and air transport, family businesses, small shops, and the informal economy, and therefore cannot be regulated by the inspectorate.[4740] Therefore, the Board has focused on protecting working children by improving their working conditions.[4741] Enforcement of labor laws is easier in medium and large-sized businesses.[4742] Approximately 100 field inspectors have been trained to handle child labor issues.[4743] The MOLSS's Child Labor Unit (CLU) is active in combating the worst forms of child labor in Turkey. In 2005, the government increased the resources given to the CLU and staff levels increased from 3 to 12 persons.[4744]

A Parliamentarian Commission on Child Labor Working on the Streets was formed to investigate instances of child labor and to propose intervention programs. The commission is composed of the Ministers of Justice, Interior, Health, Education, and the State Minister responsible for Family and Women Affairs. A parallel committee was formed within the Grand Turkish National Assembly.[4745] The Interior Ministry's Child Police are specifically responsible for protecting children, including protecting working children from employer abuses.[4746] Under the Law on Social Services and Child Protection Institution, No. 2828, children who are subjected to the worst forms of child labor are placed under the protection of the state. Care and rehabilitation is provided for those children at 30 centers around the country.[4747]

The Task Force on Human Trafficking coordinates government action on trafficking and includes members from the Ministries of Health, Interior, Justice, and Labor, as well as the Directorate General for Social Services and Child Protection, the Directorate General on the Status and Problems of Women, and academics from Marmara University. The Task Force is headed by the Ministry of Foreign Affairs.[4748]

In 2004, the government identified 239 persons who were trafficked. Between January 2004 and March 2005, 103 were voluntarily repatriated to their home countries. Between November 2004 and February 2005, 46 trafficked persons were provided shelter assistance in Istanbul.[4749] In 2004, the government initiated prosecutions of 142

[4740] Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 3-5. See U.S. Department of State, *Country Reports-2004: Turkey*, Section 6d.
[4741] Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*, 3-7. See also Embassy of Turkey, *Policies, Programs, and Measures Against Child Labor in Turkey*, Washington, D.C., September 6, 2002, 10, 11, 14.
[4742] U.S. Department of State, *Country Reports-2004: Turkey*, Section 6d.
[4743] U.S. Embassy- Ankara, *reporting*, September 1, 2005.
[4744] Ibid.
[4745] ILO-IPEC, *Combating the Worst Forms of Child Labor (2004 - 2006), Technical Progress Report, March 2005*, 2, 3.
[4746] ILO-IPEC, *Combating the Worst Forms of Child Labor (2004 - 2006), Project Document*, 50.
[4747] U.S. Embassy- Ankara, *reporting, September 1, 2005*.
[4748] U.S. Department of State, *Country Reports-2004: Turkey*, Section 5.
[4749] The ages of trafficked persons are not known. See Republic of Turkey, *Turkey on Trafficking in Human Beings*.

suspected traffickers.[4750] According to the U.S. State Department, reports indicate that police corruption hampers efforts to fight trafficking and contributes to the problem.[4751]

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

In working towards meeting EU accession conditions, priorities for the Government of Turkey include fulfilling obligations to eliminate child labor.[4752] The Government of Turkey has developed a National Timebound Policy and Program Framework designed to eliminate the worst forms of child labor and the involvement of children below the age of 15 in all forms of work between 2004 and 2014.[4753] A chapter on child labor is also included in the Eighth 5-Year Development Plan of Turkey (2000-2005). The child labor policy directives include eliminating the causes forcing children to work and the constraints that prevent children from attending school, and harmonizing national legislation with international conventions. This plan commits the government to respond to child labor issues by promoting policies to increase family income, provide social welfare, and reduce education costs for the poor.[4754]

The Government of Turkey has committed to making a significant contribution (USD 6.2 million) to support the USDOL-funded ILO-IPEC project, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey, 2004-2006*. The program includes activities in 11 provinces based on the prevalence of child work in priority sectors of street work, informal economy, and seasonal agricultural labor.[4755] The government is also participating in the USDOL-funded USD 6 million project *Combating Exploitative Child Labor through Education in Turkey, 2004-2008*.[4756] The project is focused on assisting children working under hazardous conditions in seasonal agriculture in the provinces of Gaziantep, Şanliurfa, Mardīn, Elazig, Agri, and Ankara.[4757] Various other regional child labor elimination programs are underway throughout the country, supported by the

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[4750] U.S. Department of State, *Trafficking in Persons-2005*.
[4751] U.S. Department of State, *Country Reports-2004: Turkey*, Section 5.
[4752] Republic of Turkey Ministry of Foreign Affairs, *Executive Summary of the Turkish National Program for the Adoption of the Acquis*, 2003.
[4753] ILO-IPEC, *Summary Outline for Action Programme on Child Labour (2004-2006)*, TUR/03/P50/USA, July 27, 2004, 2, 3. See also Ministry of Labor and Social Security Child Labor Unit, *Timebound Policy and Programme Framework for the Elimination of Child Labor Turkey (Draft)*, 2003, 47.
[4754] ILO-IPEC, *International Program for Elimination of Child Labor (IPEC) Turkey,* [online] January 21, 2004 [cited March 18, 2004], 1-2; available from http://www.ilo.org/public/english/region/eurpro/ankara/programme/ipec.htm. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*, 5-7. See also U.S. Embassy-Ankara, *reporting, August 26, 2004*.
[4755] ILO-IPEC, *Combating the Worst Forms of Child Labor (2004 - 2006), Project Document*, cover, 2.
[4756] IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey, project document*, May 17, 2005, cover.
[4757] IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey, project revision*, September 19, 2005.

national or local level authorities. The government operates 28 centers to aid working street children.[4758]

The Government of Turkey is taking steps to combat trafficking of persons.[4759] The Ministry of Health provides free medical treatment for children who have been trafficked.[4760] The government sponsors anti-trafficking training programs and a hotline. Anti-trafficking brochures were printed and distributed by law enforcement officers.[4761]

The World Bank provided a loan to support the second Basic Education Project. The Government of Turkey's goals for its Basic Education Program are for all eligible children to enroll in and complete basic education, for pre-school enrollment of eligible children to reach 25 percent, to improve student performance, and for 40 percent of children in basic education to be utilizing information and communication technologies. It has improved education through a number of measures, including the construction of new classrooms, provision of education materials, and teacher training. The project will conclude in 2006.[4762] The World Bank also funds the Social Risk Mitigation Project. It finances the expansion of education and health grants for the poorest six percent of families to prevent dropouts among at-risk youth.[4763] On March 15, 2005, the World Bank approved a USD 96.1 million loan to fund a Secondary Education Project aimed at supporting the government's goals to increase the compulsory education period from 8 to 12 years and increase the enrollment rates of basic education graduates in secondary education programs.[4764] The Ministry of National Education and UNICEF support the

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[4758] U.S. Department of State, *Country Reports-2004: Turkey*, Section 6d.
[4759] U.S. Department of State, *Trafficking in Persons-2005*.
[4760] U.S. Department of State, *Country Reports-2004: Turkey*, Section 5. See also U.S. Embassy- Ankara, *reporting,* August 26, 2004.
[4761] U.S. Department of State, *Trafficking in Persons-2005*.
[4762] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$300 Million to the Republic of Turkey for a Second Basic Education Project in Support of the Second Phase of the Basic Education Program,* June 12, 2002 [cited June 27, 2005], 3-7; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/07/09/000094946_0206260400300/Rendered/PDF/multi0page.pdf. See also World Bank, *Basic Education Project (02),* June 27, 2005 [cited June 27, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P059872.
[4763] World Bank, *Project Appraisal Document on a Proposed Investment/Adjustment Loan in the Amount of US$500 Million to the Republic of Turkey for a Social Risk Mitigation Project/Loan,* August 17, 2001 [cited June 27, 2005], 2; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/10/18/000094946_01082504044864/Rendered/PDF/multi0page.pdf. See also World Bank, *Social Risk Mitigation Project,* June 27, 2005 [cited June 27, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074408.
[4764] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of Euro 80.00 Million to the Republic of Turkey for Secondary Education Project*, February 16, 2005, 3; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/02/25/000090341_20050225092434/Rendered/PDF/27983.pdf. See also World Bank, *Secondary Education,* June 12, 2002 [cited June 27, 2005]; available from http://www.worldbank.org.tr/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=361712&menuPK=361744&Projectid=P066149.

Advocacy Campaign for Girls' Education which aims to place every girl in school by the end of 2005. The program was launched in 10 provinces and will expand to an additional 40.[4765]

[4765] UNICEF, *One in Every Eight Girls Out of School in Turkey,* [online press release] July 19 2003 [cited June 27, 2005]; available from http://www.unicef.org/media/media_10946.html. See also UNICEF, *At a Glance: Turkey,* [cited June 27, 2005]; available from http://www.unicef.org/infobycountry/Turkey.html.

Tuvalu

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[4766]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Tuvalu are unavailable.[4767] Children are reportedly involved in traditional subsistence farming and fishing.[4768]

Under Tuvalu's Education for Life program,[4769] education is compulsory between the ages of 6 and 15 years and free until the age of 13.[4770] In 2001, the gross primary enrollment rate was 102 percent.[4771] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Tuvalu. Although Tuvalu has achieved almost universal primary education, secondary enrollment rates are much lower.[4772]

Child Labor Laws and Enforcement

Tuvalese law sets the minimum age of employment at 14 years, and a child must be 18 years old to sign a formal work contract.[4773] The law prohibits industrial labor or work on ships by children less than 15 years of age.[4774]

[4766] The Government of Tuvalu is not a member of the ILO, and is thus unable to ratify ILO conventions.
[4767] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of the report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.
[4768] U.S. Department of State, *Country Reports on Human Rights Practices- 2004*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41663.htm.
[4769] Office of the United Nations Resident Coordinator, *Tuvalu: United Nations Development Assistance Framework*, United Nations, Suva, Fiji, May 2002, 9; available from http://www.undp.org.fj/documents/UNDAF_TUVALU%20May%202002.doc.
[4770] UNESCO, *Education for All 2000 Assessment: Country Reports- Tuvalu,* [online] 2000 [cited July 28, 2005]; available from http://www2.unesco.org/wef/countryreports/tuvalu/contents.html.
[4771] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section.
[4772] ADB, *Millenium Development Goals in the Pacific: Relevance and Progress*, Manila, March 2003, 50-51; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=48.
[4773] U.S. Department of State, *Country Reports- 2004: Tuvalu*.

The worst forms of child labor may be prosecuted under different statutes in Tuvalu. The Constitution and the Penal Code prohibit forced labor.[4775] The Penal Code criminalizes the procurement of a girl less than 18 years of age for prostitution.[4776] While the Penal Code does not specifically address trafficking in children, the kidnapping or abducting of children is prohibited.[4777] There is no information available on the enforcement of labor laws.

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

UNICEF works with the Ministry of Health, other government agencies, and NGOs to address children's health and youth development.[4778] The EU provides funds for education-related projects,[4779] and AusAID is funding an 8-year project to improve the management and administration of the education system at the primary and secondary levels.[4780]

[4774] Ibid.
[4775] *Constitution of Tuvalu*, Article 18, (1978); available from http://vanuatu.usp.ac.fj/paclawmat/Tuvalu_legislation/Tuvalu_Constitution.html. See also Government of Tuvalu, *Penal Code*, (1978), Article 249 [cited August 15, 2002]; available from http://vanuatu.usp.ac.fj/Paclawmat/Tuvalu_legislation/Consolidation_1978/Tuvalu_Penal_Code.html.
[4776] *Penal Code*, Articles 136, 138-139.
[4777] Ibid., Articles 131-132, 241-242, 246-247.
[4778] UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries,* [online] [cited July 28, 2005]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.
[4779] Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, A 8.
[4780] Australian Agency for International Development, *Country Brief Tuvalu,* AusAID.gov, [online] 2005 [cited July 28, 2005]; available from http://www.ausaid.gov.au/country/country.cfm?CountryId=22. See also Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, A 11.

Uganda

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/25/2003	
Ratified Convention 182	6/21/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

The Ugandan Bureau of Statistics estimated that 33.9 percent of children in Uganda ages 5 to 14 years were working in 2000-01.[4781] Child work is common, especially in the informal sector. In urban areas, children sell small items on the streets, work in shops, beg for money, or are involved in the commercial sex industry. In rural areas, children work in agriculture, including the harvesting of tea.[4782] Child labor is one of many problems associated with poverty. In 1999, the most recent year for which data are available, 84.9 percent of the population of Uganda were living on less than USD 1 a day.[4783]

According to the U.S. Department of State, trafficking in persons is a serious problem in Uganda, particularly the trafficking of children by the Lord's Resistance Army (LRA). Upon being abducted by the LRA, children are forced to become soldiers, porters, or sex slaves.[4784] The war in Northern Uganda, the HIV/AIDS epidemic, and population dislocations have left 2 million children under the age of 18 orphaned and thus, vulnerable to the worst forms child labor.[4785]

Children participate in the armed conflict in Uganda. Since the beginning of the 18-year war in Northern Uganda, it is estimated that the LRA has abducted an estimated 20,000 children.[4786] During the first half of 2005, 300 of these children were rescued and returned to rehabilitation centers by Uganda's armed forces, the Uganda People's Defense Force (UPDF).[4787] However, it is reported that children have enlisted in the UPDF by falsifying their age. The official age in which a person may enlist or be conscripted into the UPDF is 18 years of age.[4788] There is no evidence that the UPDF actively recruits underage soldiers;[4789] the UPDF contends that children serving in the security forces may be enrolled either through deception or oversight.[4790] In 2004, the

[4781] ILO-IPEC, *Child Labour in Uganda: a Report Based on the 2000/2001 Uganda Demographic and Health Survey*, Report, Uganda Bureau of Statistics and ILO-IPEC, Entebbe, 2002, ix, 23, 29, 30, 36.
[4782] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Uganda*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41632.htm.
[4783] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.
[4784] U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, Washington, D.C, June, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/.
[4785] U.S. Department of State, *Country Reports- 2004: Uganda*.
[4786] U.S. Embassy- Kampala, *reporting*, September 02, 2005.
[4787] Ibid.
[4788] U.S. Central Intelligence Agency, "The World Fact Book: Uganda," (October 20, 2005); available from http://www.cia.gov/cia/publications/factbook/geos/ug.html.
[4789] U.S. Embassy- Kampala, *e-mail communication to USDOL official*, July 7, 2006.
[4790] U.S. Department of State, *Country Reports- 2004: Uganda*.

most recent timeframe for which such information is available, the UPDF collaborated with UNICEF to identify and remove 300 to 400 under-age soldiers from Uganda's 60,000 person army.[4791]

The Constitution states that a child is entitled to basic education, which is the responsibility of the State and the child's parents. The Government of Uganda provides free education through grade seven. In fiscal year 2004-2005, 31 percent of the government's general budget was allocated to the Ministry of Education and Sports (MOES) for education. Of this amount, 66 percent was allocated to primary education and 16.7 percent to secondary education.[4792] However, education is not compulsory.[4793] In 2002, the gross primary enrollment rate was 141 percent.[4794] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Uganda.[4795] As of 2001, 64 percent of children who started primary school were likely to reach grade 5.[4796]

In 2003, 80 percent of the students taking their primary leaving examinations passed, but there are differences in achievement that appear to be influenced by geography. Children in stable areas of the country were more likely to pass the examination, while barely 20 percent passed in "the remote, troubled districts."[4797] In addition, there are gender differences in achievement: boys perform better in and are more likely to finish primary school than girls.[4798]

The U.S. Department of State reports that corruption, instability in some areas of the country, and inadequate teacher preparation prevented full implementation of universal primary education initiatives despite increases in educational resources and educational improvements.[4799] Reports indicate that almost 90 percent of children aged 5 to 17 who

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[4791] Ibid.
[4792] Republic of Uganda Ministry of Education and Sports, *The National Report on the Development of Education in Uganda at the Beginning of the 21st Century*, Geneva, August 30, 2004; available from http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/uganda_rev.pdf.
[4793] U.S. Department of State, *Country Reports- 2004: Uganda*.
[4794] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[4795] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4796] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4797] Integrated Regional Information Networks, "Uganda: Addressing the challenge of educating the disadvantaged", [online], February 3, 2004 [cited February 11, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39262.
[4798] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Uganda*, Washington, February 28, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41632.htm.
[4799] Ibid.

work do not attend school: 78 percent have left school and 10 percent have never been to school.[4800]

Child Labor Laws and Enforcement

The revised Employment Decree of 1975 sets the minimum age for employment at 14 years and prohibits persons below the age of 18 from engaging in hazardous labor.[4801] Article 34 (4) of the Constitution of Uganda states that children under 16 years have the right to be protected from social and economic exploitation and should not be employed in hazardous work; work that would otherwise endanger their health, physical, mental, spiritual, moral, or social development; or work that would interfere with their education.[4802]

Legislation is in draft that if adopted will expand the laws to address additional forms of child labor. The legislation will define "worst forms of child labor", many in accordance with ILO Convention 182. While current child labor laws only apply to the formal sector, the new legislation could expand enforcement to the informal sector as well where working children are common.[4803]

Currently, the worst forms of child labor may be prosecuted under different statutes in Uganda. The Constitution prohibits servitude and forced labor.[4804] While trafficking in persons is not a specific violation under Ugandan law, related offenses are, which taken together cover the full scope of trafficking in persons. For instance, detaining a person with sexual intent is punishable up to 7 years of imprisonment, and the penalty for trading in slaves is punishable by up to10 years of imprisonment. "Defilement," defined as having sex with a minor, is a punishable offense with a range of sentences leading up to the death penalty.[4805] In 2005, the government actively applied its law to the latter offense, arresting 4,756 people.[4806]

The Ministry of Gender, Labor, and Social Development (MGLSD), charged with enforcing child labor laws, investigates child labor complaints through district labor

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[4800] Labour and Social Development ILO and Government of Uganda Ministry of Gender, "Child Labour and the Urban Informal Sector in Uganda," (June 2004), 6; available from http://64.233.161.104/search?q=cache:2-YO8KNStdQJ:www.ilo.org/iloroot/docstore/ipec/prod/eng/2004_ug_urban_en.pdf+Child+Labour+and+the+Urban+Informal+Sector+in+Uganda&hl=en&start=1, page 6. The majority of working children, 61 percent, are orphans, having lost at least one parent (30 percent) or both (31 percent).

[4801] The Employment Decree of 1975, originally limited employment for children between the ages of 12 and 18 years and prohibited children under 12 from working. See ILO/IPEC and Uganda Bureau of Statistics, "Child Labour In Uganda: A Report Based On the 2000/2001 Uganda Demographic and Health Survey," (2001), 6-7; available from http://www.ilo.org/public/english/standards/ipec/simpoc/uganda/report/ug_rep_2001.pdf.

[4802] *Constitution of the Republic of Uganda, Chapter 4*; available from http://www.government.go.ug/constitution/#.

[4803] U.S. Embassy- Kampala, email communication, US Embassy, Kampala, January 20, 2006.

[4804] *Constitution of the Republic of Uganda*.

[4805] U.S. Department of State, *Country Reports- 2004: Uganda*, Section 5.

[4806] U.S. Embassy- Kampala, email communication to USDOL official, August 11, 2006.

officers. In addition, local governments are also empowered to investigate child labor complaints. However, until a child labor complaint monitoring system is developed, comprehensive statistics regarding child labor violations and investigations of such complaints are not available.[4807]

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

The MGLSD houses the Child Labor Unit and implements the "National Plan of Action to Eliminate Child Labor." However, according to the U.S. Department of State, limited resources prevent the National Plan from being carried out to the extent that was envisioned.[4808] The MGLSD also coordinates the Orphans and Vulnerable Children Policy, which extends social services to groups that include children who participate in the worst forms of labor. [4809]

In partnership with USDOL, NGOs and the ILO, the Government of Uganda participates in the implementation of various projects that aim to eliminate the worst forms of child labor.[4810] ILO-IPEC implements a USD 5.3 million regional capacity building project funded by USDOL. The project, "Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa," is being implemented from September 2002 until June 2006.[4811] "Opportunities for Reducing Adolescent and Child labor through Education (ORACLE)" is a USD 3 million project funded by USDOL and implemented by the International Rescue Committee and the Italian Association for Volunteers in International Service. ORACLE is a 4-year project begun in August 2003. The project contributes to the prevention and elimination of the worst forms of child labor amongst conflict-affected children in Northern Uganda through the provision of transitional and non-formal education and family-based poverty reduction strategies.[4812]

There are two additional regional projects funded by USDOL in which the Government of Uganda participates. ILO-IPEC is implementing a project funded at USD 3 million entitled "Combating and preventing HIV/AIDS-induced child labour in Sub-Saharan Africa: pilot action in Uganda and Zambia." To reduce their vulnerability to participation in child labor, the project provides vocational and basic education, psycho-social rehabilitation and social protection to children orphaned by the HIV/AIDs epidemic.[4813] Another USD 14.5 million program is being implemented by World Vision in Kenya, Uganda, Rwanda, and Ethiopia. The program, "Combating Exploitative Child Labor

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[4807] Ibid.
[4808] Ibid.
[4809] Ibid.
[4810] Ibid.
[4811] ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa: Uganda*, Technical Progress Report, September 2005.
[4812] International Rescue Committee, *Technical Progress Report: Uganda Oracle Project*, September, 2005. p. 2.
[4813] International Labor Organization/IPEC, "Technical Performance Report for Combating and Preventing HIV induced Child Labour in Sub-Saharan Africa: pilot action in Uganda and Zambia," (September. 2005). pp. i - iv.

through Education" also known as KURET, provides educational alternatives to children who are especially vulnerable to the worst forms of child labor because of HIV/AIDS.[4814]

Tobacco exporters and unions support a project that combats child labor in the tobacco growing industry. In 2003, the Eliminate Child Labour in Tobacco Foundation funded a three-year USD 516,560 project to reduce the incidence of child labor in the tobacco industry in the Masindi region of the country (west central Uganda). The goals of the project are to remove primary school age children working on tobacco farms and place them in primary schools, and provide assistance to ensure their retention in the educational system. The Government of Uganda is represented on a steering committee that coordinates the activities of the program and the Masindi District Local Council is slated to provide land for the construction of and provide management for a vocational school serving the project. [4815]

The government provides a variety of resettlement packages to former rebels returning to Uganda, some of which include educational benefits and vocational training.[4816] At two locations in the country, military-operated programs assist the reintegration of returning child soldiers.[4817] In addition to these programs, the government is involved in efforts to eliminate child labor through strategies to reduce poverty, specifically the Poverty Eradication Action Plan and the Plan for Modernization of Agriculture.[4818]

The MOES implements the policy of Universal Primary Education to encourage the enrollment and retention of primary students by improving access to education, enhancing the quality of education, and ensuring that education is affordable.[4819] The MOES developed a "Basic Education Policy and Cost Framework for Educationally Disadvantaged Children" to increase access among children not served by the current education system, including street and working children and children infected or affected by HIV/AIDS.[4820]

[4814] Inc. World Vision, "Technical Progress Report Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)," (September 2005), 3-18.

[4815] Eliminate Child Labour in Tobacco Foundation, *The Project for Elimination of Child Labour from Tobacco Farms in Masindi District, Uganda*, November 14, 2003, 1-3.

[4816] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Uganda*, Section 5.

[4817] U.S. Department of State, *Trafficking in Persons Report- 2004: Uganda*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[4818] The Poverty Eradication Action Plan (PEAP) aims to reduce poverty levels to 10 percent by 2017. The Plan for Modernization of Agriculture (PMA) constitutes an important sectoral policy framework within the PEAP. USAID/UGANDA, *Overall Assistance Environment in Uganda,* [online] August 3, 2004 [cited September 22, 2004]; available from http://www.usaid.or.ug/about%20usaid-uganda.htm.

[4819] Ministry of Education and Sports, The Ugandan Experience of Universal Primary Education (UPE), The Republic of Uganda, Kampala, July 1999, 10. See also Uganda Bureau of Statistics and ILO-IPEC, *Child Labour in Uganda: A Report Based on the 2000/2001 Uganda Demographic and Health Survey*, Entebbe, 2002, 7-8.

[4820] The framework is part of Uganda's commitment to the international Millennium Development Goals which establish education goals to be met by 2015. The Republic of Uganda, *Basic Education Policy and Costed Framework for Educationally Disadvantaged Children*, 1st Draft, Ministry of Education and Sports, Kampala, October 31, 2002, 1-2 [hard copy on file].

Uruguay

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/2/1977	
Ratified Convention 182 8/3/2001	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Uruguay are unavailable.[4821] The majority of child work occurs in the informal sector, where children work in agriculture, street vending, and garbage collection.[4822] Such areas of labor generally were regulated less strictly, and pay was lower than in the formal sector.[4823] The country's economic crisis from 1998 to 2003 reportedly led to an increase in the incidence of children working in the informal sector.[4824] Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population of Uruguay were living on less than USD 1 a day.

The arrests of children involved in sexual work provide evidence that child prostitution exists; however, there are few statistics on the problem.[4825] Several types of prostitution have been reported, including of very poor and homeless children around factories and in slums, in downtown bars and pubs, on the street, and through pimps.[4826] There are also isolated reports of prostitution of boys.[4827] Reports from children's rights NGOs and the media indicate that minors resorted to prostitution for survival or to assist their families in rural areas where unemployment was greater than 20 percent.[4828]

[4821] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4822] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Uruguay*, Washington, DC, February 28 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41777.htm. See also U.S. Embassy- Montevideo, *reporting*, September 2004, para. 3.

[4823] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6d.

[4824] U.S. Embassy- Montevideo, *reporting, September 2004*, Section 1.

[4825] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.

[4826] Child prostitutes are also found in hotels and massage parlors, at "pornoshows," among domestic servants, and in modeling agencies. See ECPAT International, *Uruguay,* in ECPAT International, [database online] n.d. [cited October 20, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=186&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[4827] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.

[4828] Ibid.

Uruguay serves as a destination and transit point for some forced labor in the region, as well as a source country for women and children trafficked for sexual exploitation, according to the U.S. Department of State.[4829] In addition, children often are trafficked across Uruguay's poorly controlled borders from Argentina, Brazil, and other countries. Organized groups sometimes require children to beg, and children of some poor rural families are sent by their parents to work at ranches under conditions of involuntary servitude. According to authorities, children were trafficked for prostitution and pornography.[4830] Most of the commercial sexual exploitation of children between ages 11 and 15 occurred in the states bordering Brazil and Argentina.[4831] Also, possible child prostitution rings in Montevideo and the resort areas of Punta del Este and Maldonado were a concern for authorities.[4832]

Kindergarten, primary, and secondary education are free and compulsory for a total of nine years.[4833] In 2002, the gross primary enrollment rate was 109 percent and the net primary enrollment rate was 90 percent.[4834] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Uruguay.[4835] As of 2001, 93 percent of children who started primary school were likely to reach grade 5.[4836] More recent primary school attendance statistics are not available for Uruguay.[4837]

Child Labor Laws and Enforcement

The Children's Code sets the minimum age for employment at 15 years, and at 18 years for hazardous work.[4838] Hazardous work is defined as work that endangers the health, life, or morals of a child.[4839] Workers between 15 and 18 years require government permission to work and must undergo physical exams to identify possible exposure to job-related physical harm.[4840] The government only grants permission to work for minors who have finished either 9 years of compulsory education or who are enrolled in

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[4829] U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*, Washington, DC, June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm.
[4830] Ibid.
[4831] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.
[4832] Ibid.
[4833] Ibid. See U.S. Embassy- Montevideo, *reporting, September 2004*, para. 5.
[4834] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrollment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.
[4835] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[4836] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4837] U.S. Embassy- Montevideo, *reporting, September 2004*, Section 5.
[4838] Ibid., Section 2.
[4839] Ibid.
[4840] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6d.

school and in the process of completing compulsory education.[4841] They also may not work more than 6 hours per day, or 36 hours per week.[4842] Violations of child labor laws are punishable by a fine of up to 2,000 "Readjustable Units," which are calculated based on the cost of living.[4843] Repeat offenders may be imprisoned, and parents of working children may be subject to fines, imprisonment, or possible limitation or revocation of guardianship.[4844]

The worst forms of child labor may be prosecuted under different statutes in Uruguay. Forced or bonded labor, including by children, is prohibited by the Constitution.[4845] The penalties for businesses employing forced laborers include fines or closure, which could not be applied against groups that forced children to beg.[4846] The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped law addresses pornography, prostitution, and trafficking involving minors.[4847] The production, facilitation, or dissemination of child pornography is punishable by 6 months to 6 years of incarceration. Prison terms for trafficking children in or out of the country or contributing to the prostitution of a child range from two to 12 years.[4848] Additionally, prostituting a child for profit is punishable by a minimum jail sentence of two to 12 years.[4849] Eighteen is the minimum age for voluntary or compulsory military conscription.[4850]

The Adolescent Labor Division of the National Institute for Adolescents and Children (INAU) bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.[4851] INAU works with the Ministry of Labor to investigate complaints of child labor and the Ministry of the Interior to prosecute cases.[4852] However, the U.S. Department of State reports that lack of resources and the concentration of child work in the informal sector, which accounts for

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[4841] Ibid.
[4842] *Poder Legislativo, República Oriental del Uruguay: Children's Code, Ley No. 17.823*, (September 2004), Articulo 169.
[4843] U.S. Embassy- Montevideo, *reporting, September 2004*, Section 3.
[4844] Ibid., paras. 2, 3.
[4845] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6c.
[4846] U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*.
[4847] The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped Law, Law No. 17.815, was passed by the Uruguayan Senate in 2004. *Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Ninos, Adolescentes o Incapaces, Ley No. 17.815*, (August 18, 2004).
[4848] Ibid., Articulo 6.
[4849] Ibid., Articulo 5.
[4850] U.S. Central Intelligence Agency, *The World Factbook: Military Manpower, Military Age and Obligation,* CIA, [online] August 30, 2005 [cited October 20, 2005]; available from http://www.cia.gov/cia/publications/factbook/fields/2024.html.
[4851] The National Institute for Adolescents and Children (INAU) was formerly known as the National Institute for Minors (INAME). *Poder Legislativo, República Oriental del Uruguay: Children's Code, Ley No. 17.823*, Articulo 68.
[4852] There have been claims that the division of responsibility between the Ministry of Labor and INAU vis-à-vis child labor is not always clear, since they both conduct investigations. See U.S. Embassy-Montevideo, *reporting, September 2004*, para. 4.

40 percent of total employment in Uruguay, make enforcement difficult.[4853] Responsibility for investigating trafficking cases lies primarily with the Ministry of the Interior.[4854] In January 2005, police arrested five traffickers and also issued warrants for two others suspected of smuggling Chinese migrants for forced agricultural labor.[4855]

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

The National Committee for the Eradication of Child Labor (CNETI) had a National Action Plan for 2003-2005 to combat child labor.[4856] The plan included measures to raise awareness, strengthen legal protections, reintegrate and retain working children in school, and develop alternative income generation options for families of working children.[4857] In addition, the issue of child labor has been incorporated into the teacher training curriculum as part of the national action plan to combat child labor.[4858] UNICEF is also implementing an awareness-raising project on children's and adolescents' rights that includes a component on child labor.[4859]

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation, along with INAU, has a national plan of action against commercial sexual exploitation of children that includes protection measures for victims and witnesses.[4860] In addition, INAU maintains shelters for children at risk of abuse and cooperates with an NGO to provide food vouchers to parents of street children who attend school.[4861] INAU also offers various services for adolescents, such as work training and safety programs, and educational and placement services.[4862] The government also provides parents of working children with monthly payments in exchange for regular class attendance by their children, and offers free lunch to needy children in public schools.[4863] In 2004, the Ministry of Interior created a special office to address child trafficking.[4864] In August that year, the Crime Prevention Office also initiated implementation of a database on cases related to trafficking.[4865] However, overall during the period April 2004 to March 2005, the Government of Uruguay lacked

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[4853] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 6d.
[4854] U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*.
[4855] Ibid.
[4856] ILO-IPEC, *Ficha Pais: Uruguay*; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichauruguay.doc.
[4857] Ibid. See also, generally, Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil en el Uruguay: 2003-2005*, 2003; available from http://www.cetinf.org/plan.accion.pdf.
[4858] Ministry of Labor and Social Security representative to the National Committee for the Eradication of Child Labor María del Rosario Castro, written communication to Uruguayan Minister of Labor and Social Security Santiago Pérez del Castillo in response to USDOL request for information, 2003.
[4859] UNICEF, *At a glance: Uruguay,* in UNICEF, [online] n.d. [cited October 20, 2005]; available from http://www.unicef.org/infobycountry/uruguay.html.
[4860] U.S. Department of State, *Country Reports- 2004: Uruguay*, Section 5.
[4861] Ibid., Sections 5, 6d.
[4862] U.S. Embassy- Montevideo, *reporting, September 2004*, para. 5.
[4863] Ibid., para. 5.
[4864] U.S. Department of State, *Trafficking in Persons Report- 2005: Uruguay*.
[4865] Ibid.

programs for specifically assisting trafficking victims, according to the U.S. Department of State.[4866]

The government, with support from the World Bank, is implementing a project to improve the equity, quality, and efficiency of preschool and primary education.[4867] The government is also participating in an IDB-funded program that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.[4868]

[4866] Ibid.

[4867] The five-year project was funded in 2002. See World Bank, *Third Basic Education Quality Improvement Project,* [online] [cited October 20, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070937.

[4868] The five-year program was funded in November 2002. See IDB, *Uruguay: Comprehensive Program for at-risk Children, Adolescents and Families*, UR-134, 2002, 2; available from http://www.iadb.org/exr/doc98/apr/ur1434e.pdf. See also IDB, *Approved Projects - Uruguay,* in IDB, [online] November 20, 2003 [cited September 25, 2005]; available from http://www.iadb.org/exr/doc98/apr/lcuru.htm.

Uzbekistan

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

Incidence and Nature of Child Labor

An estimated 16.5 percent of children ages 5 to 14 years were counted as working in Uzbekistan in 2000. Approximately 19.9 percent of all boys 5 to 14 were working compared to 12.9 percent of girls in the same age group.[4869] Children work in agriculture in rural areas, where the large-scale, compulsory mobilization of children to help with cotton harvests has been reported.[4870] Schools close in some rural areas to allow pupils and teachers to work during the harvest, sometimes without remuneration. Reports indicate that children have been forced to spray harmful chemicals with no protection and endure poor living conditions on farms located far from their homes and families.[4871] There are reports that children help cultivate rice and raise silk worms in rural areas.[4872] Children also work in street vending,[4873] services, construction, building materials

[4869] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Source and Definitions."

[4870] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Uzbekistan*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41717.htm. See also UN Office for the Coordination of Humanitarian Affairs, *Uzbekistan: Focus on Rural Schools,* [online] August 10, 2004 [cited June 15, 2005]; available from http://www.irinnews.org/report.asp?ReportID=42608&SelectRegion=Central_Asia&SelectCountry=UZBEKISTAN.

[4871] International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, February 28, 2005, 17-18; available from http://www.icg.org/library/documents/asia/central_asia/093_curse_of_cotton_central_asia_destructive_monoculture.pdf. See also U.S. Embassy- Tashkent, *reporting*, August 11, 2004. See also Legal Aid Society, STATUS, Center for Social and Humanitarian Researches, Business Women Association (Kokand), Mekhri, Beguborlik, SABO, PIASC, KRIDI, Mekhr Tayanchi, UNESCO Youth Club, Kokand Children's Club, Shygiz Children's Club Kukus, Mothers and Daughters, Bolalar va Kattalar Children's Club, Save the Children (UK), and UNICEF, *Supplementary NGO Report on the Implementation of the Convention on the Rights of the Child in the Republic of Uzbekistan,* 2001 [cited June 15, 2005], 10, 33; available from http://www.crin.org/docs/resources/treaties/crc.28/Uzbekistan.doc.

[4872] Cango.net, *Initiative Newsletter: The Situation with Child Labour is Unlikely to Change in the Foreseeable Future,* cango.net, [online] 2002 [cited June 15, 2005]; available from http://www.cango.net/news/archive/spring-2002/a0002.asp.

[4873] Farangis Najibullah, *Central Asia: For Many Young Uzbeks and Tajiks, Working is a Way of Life,* [online] May 27, 2003 [cited June 15, 2005]; available from http://www.rferl.org/nca/features/2003/05/27052003154228.asp. Children work in markets selling various

manufacturing, and transportation.[4874] Older children frequently work as temporary hired workers, or *mardikors*.[4875] Child beggars are present in Tashkent.[4876] Children are vulnerable to exploitation as prostitutes in Uzbekistan.[4877] Young women and possibly adolescent girls are trafficked to destinations in the Persian Gulf, Asia, and Europe for the purposes of commercial sexual exploitation.[4878] Child labor is one of many problems associated with poverty. In 2000, 17.3 percent of the population in Uzbekistan were living on less than USD 1 a day.[4879]

Basic education is compulsory for 9 years under the Education Law of 1992[4880] and free according to Article 41 of the Constitution.[4881] In 2002, the gross primary enrollment rate was 103 percent.[4882] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Uzbekistan.[4883] The early marriage of girls poses a challenge to their continued education since they are expected to leave school, raise a family, and work domestically after being wed.[4884] Parents and students are often asked to cover the costs of school repairs and supplement teachers' incomes due to low salaries.[4885] Rural children are said to lag behind their urban peers in schooling, due to their participation in the cotton harvest and required time away from their studies.[4886]

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products such as alcohol, tobacco and food. See Legal Aid Society, STATUS, Center for Social and Humanitarian Researches, Business Women Association (Kokand), Mekhri, Beguborlik, SABO, PIASC, KRIDI, Mekhr Tayanchi, UNESCO Youth Club, Kokand Children's Club, Shygiz Children's Club Kukus, Mothers and Daughters, Bolalar va Kattalar Children's Club, Save the Children (UK), and UNICEF, *Supplementary NGO Report*, 33.

[4874] Cango.net, *The Situation with Child Labour is Unlikely to Change in the Foreseeable Future*.

[4875] Ibid.

[4876] Study by Mekhr Tayanchi (Support of Love) as cited by Uzbekistan Daily Digest, "Homeless Children Become Focus of Concern in Uzbekistan", September 19, 2003; available from http://www.eurasianet.org/resource/uzbekistan/hypermail/200307/0023.shtml.

[4877] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 5.

[4878] Traffickers most often target women between 17 and 30 years of age. Ibid. See also U.S. Embassy-Tashkent, *reporting*, August 26, 2005.

[4879] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[4880] Law of the Republic of Uzbekistan "On Education" (1992) as cited in Ministry of Public Education and Ministry of Higher and Secondary Special Education, *National Action Plan on Education for All in the Republic of Uzbekistan*, Tashkent, 2002, 13; available from http://www.unescobkk.org/fileadmin/user_upload/efa/UzbekistanNatlPlan.pdf.

[4881] *Constitution of the Republic of Uzbekistan, 1992*, (December 8, 1992); available from http://www.umid.uz/Main/Uzbekistan/Constitution/constitution.html.

[4882] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[4883] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[4884] Ministry of Public Education and Ministry of Higher and Secondary Special Education, *National Action Plan on EFA*, 25.

[4885] U.S. Embassy- Tashkent, *reporting*, August 26, 2005. U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 5.

[4886] UN Office for the Coordination of Humanitarian Affairs, *Uzbekistan: Focus on Rural Schools*.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years. Fourteen year-olds may only work in light labor that does not negatively affect their health and/or development.[4887] Children ages 14 to 18 years are required to obtain written permission from a parent or guardian in order to work, and work may not interfere with their studies.[4888] Children between the ages of 14 and 16 may only work 10 hours per week while school is in session and 20 hours per week during school vacation. Children between 16 and 18 years may only work 15 hours per week when school is in session and 30 hours per week during school vacations.[4889] In addition to establishing limited work hours for minors, the Labor Code prohibits children less than 18 years of age from working in unfavorable labor conditions.[4890]

The worst forms of child labor may be prosecuted under different statutes in Uzbekistan. The Constitution prohibits forced labor except when fulfilling a court sentence.[4891] The Penal Code establishes punishment for people who profit from prostitution or maintain brothels, with higher penalties when a child is involved, including jail sentences of 5 to 10 years.[4892] The Penal Code prohibits the recruitment of children for the purposes of sexual exploitation, with higher penalties for taking children out of the country. The penalty for recruitment for sexual or other exploitation is 6 months to 3 years in prison and up to USD 900 in fines. Trafficking of children outside the country is punishable with 5 to 8 years in prison.[4893]

The Prosecutor General and the Ministry of Interior's criminal investigators are responsible for the enforcement of child labor laws. While enforcement appears effective in deterring child labor in the formal sector, the U.S. Department of State reports that it is not effective in regulating children's work in family-based employment and the agricultural sectors.[4894] An anti-trafficking unit of the Ministry of Internal Affairs investigates trafficking-related crimes.[4895]

[4887] U.S. Embassy- Tashkent, *reporting*, October 15, 2002. See also U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 6d.
[4888] U.S. Embassy- Tashkent, *reporting, August 26, 2005*.
[4889] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 6d.
[4890] UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1996*, CRC/C/41/Add.8, prepared by Government of Uzbekistan, pursuant to Article 44 of the Convention on the Rights of the Child, December 27, 1999, published February 19, 2001, paras. 315 and 318; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/aacfcf7e3feaabf2c1256a4d00391fbc/$FILE/G0140749.pdf. This report was submitted by the government to the committee on December 27, 1999. Also see International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, 18.
[4891] *Constitution of the Republic of Uzbekistan, 1992*, article 37.
[4892] Penal Code Clause 121 and 127 as cited by Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children- Uzbekistan,* [cited June 15, 2005]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaUzbekistan.asp.
[4893] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 5.
[4894] U.S. Embassy- Tashkent, *reporting, August 26, 2005*.
[4895] Ibid.

Despite the presence of inspectors, there were no reports of inspections resulting in legal proceedings or administrative penalties for violations of domestic child labor laws.[4896] The government increased prosecutions for trafficking violations from 80 in 2003 to 251 in 2004, although, due to a general amnesty in 2004 for anyone convicted of crimes with prison terms of less than ten years, most served little or no jail time.[4897] According to the U.S. Department of State, NGO reports indicate that some local officials are involved in trafficking.[4898]

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

Representatives from the Government of Uzbekistan are working with neighboring countries to gather information about the child labor situation in Central Asia. USDOL has provided funding to ILO-IPEC for a USD 2.5 million sub-regional project to enhance the capacity of national institutions to eliminate the worst forms of child labor in Uzbekistan and to share information and experiences across the sub-region.[4899]

The government has an inter-agency working group to combat trafficking in persons, and actively cooperates with local NGOs and the OSCE on anti-trafficking training of law enforcement and consular officials.[4900] Ministry of Internal Affairs officials trained an additional 1,500 officers in anti-trafficking procedures between May 2004 and spring 2005 and contacts were made with counterparts in the United Arab Emirates, the top destination for trafficked Uzbek women.[4901] The government has been cooperating with a local NGO that meets returning victims at the airport and provides rehabilitative services[4902] and actively supported a public awareness campaign including posters, billboards, and advertising on state-controlled mass media.[4903]

In cooperation with the IOM, the government is engaged in a research study to determine the extent of trafficking in Uzbekistan and participates in a trafficking prevention campaign and a law enforcement training program.[4904]

The Government of Uzbekistan's 2000-2005 State Program on Forming a Healthy Generation focuses on improving childhood development in such areas as health and

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[4896] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 6d.
[4897] It is not specified if any of these crimes included the trafficking of children under the age of 18 years. See U.S. Department of State, *Trafficking in Persons Report- 2005: Uzbekistan*, Washington, D.C., June 2005, 224; available from http://www.state.gov/documents/organization/47255.pdf.
[4898] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 5.
[4899] Countries participating in the sub-regional project are Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, vii.
[4900] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 5.
[4901] U.S. Department of State, *Trafficking in Persons Report- 2005: Uzbekistan*, 224.
[4902] U.S. Department of State, *Country Reports- 2004: Uzbekistan*, Section 5.
[4903] U.S. Department of State, *Trafficking in Persons Report- 2005: Uzbekistan*, 224.
[4904] Project also includes Kazakhstan and Tajikistan. IOM, *Combating Trafficking in Persons in Central Asia: Prevention, Prosecution, Protection (ASPPP),* [cited June 15, 2005]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=KZ1Z016.

education.[4905] To encourage school attendance, the government provides aid to students from low-income families in the form of scholarships, full or partial boarding, textbooks, and clothing.[4906] In addition, children from low-income households are provided with free medical services.[4907]

The government has a National Action Plan on Education for All with the goal of ensuring that by 2015 all children have access to free and compulsory primary education.[4908] Through its education reform program, the government is taking steps to expand compulsory education from 9 to 12 years.[4909]

The Asian Development Bank provides technical input to policy and program development, and funds education reforms in Uzbekistan.[4910] The ADB has provided a USD 55 million loan to promote the efficient and sustainable provision of affordable textbooks to schoolchildren.[4911]

USAID supports a basic education program with USD 400,000 for teacher training, strengthening the capacity of school management, increasing parent involvement in the schools, and providing computers to schools throughout the country.[4912]

[4905] Government of Uzbekistan, *Information on Implementation on the Convention on the Rights of the Child*, 2001, 14; available from http://www.unhchr.ch/html/menu2/6/crc/doc/replies/wr-uzbekistan-1.pdf.
[4906] U.S. Embassy- Tashkent, *reporting, August 26, 2005*. See also Government of Uzbekistan, *Executive Summary of the Republic of Uzbekistan on Implementation of the Resolutions of the World Summit for Children*, UNICEF, 2002, 10-11; available from http://www.unicef.org/specialsession/how_country/edr_uzbekistan_en.PDF.
[4907] Government of Uzbekistan, *Executive Summary*, 19.
[4908] Ministry of Public Education and Ministry of Higher and Secondary Special Education, *National Action Plan on EFA*, 4-5.
[4909] Three years of professional or vocational training in special training institutes or colleges would become mandatory. The program is expected to begin in 2007. See U.S. Embassy- Tashkent, *reporting, August 26, 2005*.
[4910] Asia Development Bank, *Country Strategy and Program Update (2004-2006): Uzbekistan*, 2003, 19; available from http://www.adb.org/Documents/CSPs/UZB/2003/CSP_UZB_2003.pdf. See also UN Office for the Coordination of Humanitarian Affairs, "Uzbekistan: ADB Helps to Reform the Education Sector", September 20, 2004; available from http://www.irinnews.org/report.asp?ReportID=43252%SelectRegion=Central_Asia&SelectCountry=UZBEKISTAN.
[4911] Other development partners supporting activities in the education sector include the EU, Japanese International Cooperation Agency, Japan Bank for International Cooperation, USAID, World Concern, and German Technical Cooperation (GTZ). See Asia Development Bank, *Country Strategy and Program Update (2004-2006): Uzbekistan*, 18-19.
[4912] USAID, *USAID/Central Asian Republics - Country Report: Uzbekistan,* [online] January 2005 [cited June 16, 2005]; available from http://www.usaid.gov/locations/europe_eurasia/pdfs/uzbprofile.pdf. See also USAID, *Uzbekistan Portfolio Review* [cited June 16, 2005]; available from http://www.usaid.gov/locations/europe_eurasia/car/pdfs/overuzb.pdf.

Vanuatu

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

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Vanuatu are unavailable.[4913] However, there are reports that many children assist their parents in family-owned agricultural production.[4914]

Access to school is limited,[4915] and there is no constitutional guarantee mandating that education be either compulsory or free.[4916] School fees can be as high as USD 400 a year,[4917] which may amount to 13 percent of per capita GDP.[4918] In 2002, the gross primary enrollment rate was 113 percent, and the net primary enrollment rate was 94 percent.[4919] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance rates are unavailable for Vanuatu.[4920] As of 1999,

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[4913] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[4914] U.S. Department of State, *Country Reports on Human Rights Practices -2004: Vanuatu*, Washington, D.C, February 28, *2005*, Section 6 d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41664.htm.

[4915] Ibid., Section 5. See also ADB, *Millennium Development Goals in the Pacific Relevance and Progress,* 2003 [cited March 18, 2004], 54; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf.

[4916] Right to Education, *Constitutional Guarantees: Vanuatu,* Right to Education, [database online] [cited June, 2005]; available from http://www.right-to-education.org/content/index_4.html. See also Right to Education, *Gap Between Promise and Performance,* Right to Education, [database online] [cited June 2005]; available from http://www.right-to-education.org/content/index_4.html. See also U.S. Department of State, *Country Reports- 2004: Vanuatu*, Section 5.

[4917] UNESCO, *Education ou aliénation?,* [online] [cited June, 2005]; available from http://portal.unesco.org/en/ev.php-URL_ID=21208&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[4918] UNDP, *Human Development Fact Sheet for Vanuatu*, 2005; available from http://hdrc.undp.org.inAPRI/hds/hdfct/pacific/Vanuatu.htm.

[4919] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?REportId=52 (Gross and Net enrolment Ratios, primary; accessed October 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definition of gross primary enrollment rate in the "Data Sources and Definitions" section of this report.

[4920] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

72 percent of children who started primary school were likely to reach grade 5.[4921] The educational system is complicated by the use of 1 or 2 official languages in the classroom, while there are over 100 vernaculars used over many islands.

Child Labor Laws and Enforcement

Under the Labor Code, children below the age of 12 are prohibited from working outside family-owned operations involved in agricultural production.[4922] Children between the ages of 12 and 18 are restricted from working by occupation category and labor conditions, including working at night or in the shipping industry.[4923]

The worst forms of child labor may be prosecuted under different statutes in Vanuatu. Forced labor is prohibited by law.[4924] Vanuatu's Penal Code prohibits procuring, aiding or facilitating the prostitution of another person or sharing in the proceeds of prostitution.[4925] No armed forces are maintained by the Government of Vanuatu. There were no reports of persons under 18 years in the security or paramilitary forces in Vanuatu.

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

Vanuatu's Cultural Center, in collaboration with NGOs, is currently working with the Ministry of Education on primary school curriculum reform, in an effort to teach in the vernacular languages, improve relevance of education, and increase literacy levels.[4926] The government is also working with UNICEF through the Ministry of Health, other government agencies, NGOs, and Pacific Island Regional Organizations to address issues of early childhood education.[4927]

[4921] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[4922] U.S. Department of State, *Country Reports- 2004: Vanuatu*, Section 6d.
[4923] Ibid., Section 6d.
[4924] Ibid., Section 6c.
[4925] *Criminal Code of Vanuatu,* in The Protection Project Legal Library, [database online]; available from http://209.190.246.239/protectionproject/statutesPDF/VantuatuF.pdf.
[4926] UNESCO, *Education ou aliénation?*
[4927] UNICEF, *Assistance to Pacific Island Countries,* [online] [cited June, 2005], [hardcopy on file]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.

Venezuela

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	7/15/1987	
Ratified Convention 182	10/26/2005	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 9.1 percent of children ages 10 to 14 years were counted as working in Venezuela in 2003. Approximately 11.4 percent of all boys 10 to 14 were working compared to 6.6 percent of girls in the same age group. The majority of working children were found in the services sector (63.6 percent), followed by agricultural (25.9 percent), manufacturing (8.1 percent), and other sectors (2.4 percent).[4928] Children work mostly in the informal sector including in agriculture, domestic service, and street vending.[4929] Boys work mostly in agriculture (49 percent), commerce (27 percent), and manufacturing (14 percent). Girls work more in commerce (65.1 percent) and services (17.8 percent).[4930] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 14.3 percent of the population in Venezuela were living on less than USD 1 a day.[4931]

Although little data on the problem is available, the commercial sexual exploitation of children is a problem in Venezuela.[4932] Venezuela is a source, transit, and destination country for children trafficked for the purposes of sexual exploitation and forced labor. Children trafficked to and through Venezuela come from countries such as Colombia, Guyana, Brazil, Peru, Ecuador, and the Dominican Republic. Venezuelan children are trafficked internally and to destinations including Western Europe, notably Spain, and

[4928] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4929] U.S. Department of State, *Country Reports on Human Right Practices- 2004: Venezuela*, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41788.htm.

[4930] Nacional Institute of Statistics of The Bolivarian Republic of Venezuela, *Análisis de los Resultados de la Encuesta de Hogares por Muestro - 2000*, 80; available from www.oit.org.pe/ipec.documentos/estadisticas_del_trabajo_infantil_en_venezuela_2000.pdf.

[4931] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

[4932] EPCAT International CSEC Database, *Venezuela; accessed June 22, 2005*; available from http://www.ecpat.net. See also UNESCO, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Venezuela,* pursuant to Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant, May 21, 2001, para. 16; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.56.En?Opendocument.

countries such as Mexico and Trinidad and Tobago.[4933] Children living near the Venezuelan border are vulnerable to sexual exploitation and forced recruitment by armed Colombian groups, as well as trafficking for the purposes of sexual exploitation to Guyanese mining camps.[4934]

The Constitution mandates free and compulsory education up to the university preparatory level (approximately to age 15 or 16).[4935] However, according to the U.S. Department of State, basic education suffers from chronic underfunding.[4936] Further, one hundred and eighty schools were damaged as a result of flooding in 2005.[4937] The Child and Adolescent Protection Act defines the state's responsibility to provide flexible education schedules and programs designed for working children and adolescents.[4938] In 2002, the gross primary enrollment rate was 104 percent and the net primary enrollment rate was 91 percent.[4939] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2003, 94.4 percent of children ages 10 to 14 years were attending school.[4940] As of 2001, 84 percent of children who started primary school were likely to reach grade 5.[4941] Indigenous children are legally guaranteed education in their

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[4933] U.S. Department of State, *Trafficking in Persons Report- 2005: Venezuela*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Observación Individual Sobre el Convenio n"um 29, trabajo forzoso*, Geneva, 2004; available from http://www.ilo.org/ilolex/cgi-lex/commentpluss.pl?Venezuela@ref.

[4934] U.S. Department of State, *Trafficking in Persons Report*. See also U.N. Wire, *UNHCR Concerned About Child Soldier Recruitment,* [online] May, 22 2002 [cited September 28, 2005]. Colombians enter Venezuela for refuge from their nation's ongoing conflict. See ECPAT International CSEC Database, http://www.ecpat.net/ (Venezuela; accessed June 22, 2005).

[4935] Right to Education, http://www.right-to-education.org/content/consguarant/venezuela.html (Constitutional Guarantees: Venezuela; accessed September 9, 2005). See also U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 5.

[4936] U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 5.

[4937] An additional 150 schools were used as shelters for those displaced by flooding. UNICEF, *At a glance: Venezuela - Hundreds of thousands of children affected by floods,* [online] [cited June 22, 2005]; available from http://www/unicef.org/infobycountry/venezuela_25206.html.

[4938] Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, 5.266, (October 2, 1998), Article 59; available from http://www.analitica.com/bitblioteca/congreso_venezuela/lopna.asp.

[4939] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tab1eView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

[4940] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[4941] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

primary language.[4942] However, indigenous children, children of African descent, and the extremely poor often do not have access to education.[4943]

Child Labor Laws and Enforcement

Venezuela's Constitution prohibits adolescents from working if such work affects their development.[4944] The Child and Adolescent Protection Act sets the minimum age for employment at 14 years and the executive branch reserves the right to adjust the minimum age for dangerous or harmful work.[4945] However, there are exceptions to the minimum age. State and local Child and Adolescent Protection Councils may authorize adolescents 12 to 14 years of age to work, provided that the activity is not dangerous to their health or well being, does not obstruct their education, and the adolescent undergoes a health exam.[4946] All working adolescents are required to register with the Protection Council's Adolescent Worker Registry.[4947] Adolescents are not permitted to work more than 6 hours per day or 30 hours per week.[4948] Children under age 18 may not work at night.[4949] The Labor Code contains additional provisions such as requiring parental permission for adolescents ages 14 to 16 to work, prohibiting work in mines and smelting factories, and prohibiting work that may risk the life, heath, or the intellectual or moral development of a child.[4950]

The worst forms of child labor may be prosecuted under different statutes in Venezuela. The Child and Adolescent Protection Act prohibits the sexual exploitation, slavery, forced labor, and trafficking of minors.[4951] Perpetrators are subject to prison sentences of 6 months to 8 years.[4952] Child pornography is prohibited and punishable by fines and confiscation of the material.[4953] Additionally, the Computer Crimes Law prohibits the use of any form of information technology to depict child pornography. Punishments range from 4 to 8 years of incarceration and fines, with increased penalties under certain circumstances. [4954] The Criminal Code establishes penalties ranging from 3 to 18 months

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[4942] UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, CERD/C/476/Add.4, prepared by Government of the Bolivarian Republic of Venezuela, 2004, para. 136; available from http://www.unhchr.ch/tbs/doc.nsf/documentsfrset?OpenFrameSet.
[4943] UNICEF, *At a glance: Venezuela - Background,* [online] [cited June 3, 2005]; available from http://www.unicef.org/infobycountry/venezuela.html.
[4944] *Constitución de la República Bolivariana de Venezuela, 1999*, (December 30), Article 89; available from http://www.georgetown.edu/pdba/Constitutions/Venezuela/ven1999.html.
[4945] *Ley del Niño y del Adolescente*, Article 96.
[4946] Ibid.
[4947] Ibid., Article 98.
[4948] Ibid., Article 102.
[4949] Ibid.
[4950] U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 6d.
[4951] *Ley del Niño y del Adolescente*, Articles 33, 38, 40, and 79d.
[4952] Ibid., Articles 255-258 and 266-267.
[4953] Ibid., Article 237.
[4954] Government of the Bolivarian Republic of Venezuela, *Legislation of Interpol member states on sexual offences against children: Venezuela,* Interpol, [online] February 3, 2003 [cited June 22, 2005], Section IV, Article 24; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp. See also ECPAT International CSEC Database, (Venezuela).

of incarceration for inducing the prostitution of a minor to another party, with punishments increased for up to 5 years of incarceration under aggravated circumstances.[4955] Promoting the prostitution of a minor to another party repeatedly or for profit, and the forced prostitution of a relative are both punishable by 3 to 6 years of incarceration.[4956] The Military Conscription and Enlistment Act sets the minimum recruitment age at 18. Secondary students are mandated by the Act to complete two years of pre-military instruction.[4957] Since 1999, the Government of Venezuela has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4958]

The Ministry of Labor and the National Institute for Minors are responsible for enforcing child labor laws. These laws are enforced effectively in the formal sector, but less so in the informal sector.[4959] The National Protection System for Children and Adolescents includes institutions such as state and local Councils on Children's and Adolescents' Rights that are responsible for monitoring children's rights and Children's and Adolescents' Ombudsmen that are responsible for defending children's rights.[4960] According to the U.S. Department of State, the actions of governmental institutions do not demonstrate a commitment to eliminating exploitative child labor.[4961] The U.S. Department of State also reports that the Government of Venezuela is not making a significant effort to combat trafficking,[4962] as insufficient resources, a weak legal system, and corruption hamper its efforts. There is no evidence that the government arrested individuals in relation to the commercial sexual exploitation of children or prosecuted any trafficking cases in 2004, the latest date for which such information is available.[4963]

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

The Ministry of Interior and Justice heads an inter-agency working group that is developing an anti-trafficking plan. In January 2005, the Ministry of Foreign Affairs held anti-trafficking workshops that included the IOM and the OAS.[4964] Venezuela, in coordination with UNICEF, has encouraged the legal registration of children through its

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[4955] Government of the Bolivarian Republic of Venezuela, *Legislation of interpol member states*, Penal Code, Article 388.
[4956] EPCAT International CSEC Database, *Venezuela; accessed June 22, 2005*.
[4957] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- 2004*, London, November 17, 2004; available from http://www.child-soldiers.org.
[4958] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4959] U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 6d.
[4960] UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, para. 139, 140, and 142.
[4961] U.S. Embassy- Caracas, *reporting*, August 17, 2005.
[4962] Ibid.
[4963] U.S. Department of State, *Trafficking in Persons Report*.
[4964] Ibid.

National Identity Plan.[4965] Children without legal birth registration may be at higher risk for trafficking and other forms of exploitation.

The Ministry of Education and Sports has several strategies aimed at improving education. The "Alternative Educational Spaces Program" provides services to out-of-school youths with the objective of reinserting them in the formal educational system.[4966] Other projects include a pedagogy improvement project, a national literacy campaign (2003-2005) whose objectives include reaching out-of-school youth,[4967] a bilingual indigenous education project in coordination with UNICEF,[4968] and a school feeding program.[4969] The "Rights in My Size" program emphasizes children's rights and promotes cooperation between pre-schools and public state and local agencies.[4970] Some children receive special services not generally available in conventional Venezuelan schools through the Bolivarian Education Project.[4971] At the pre-school and primary education levels this includes full-day education and meals through the "Simoncito Project" and "Bolivarian Schools."[4972] At the secondary education level this includes school meals through "Bolivarian Lyceums."[4973] Additionally, some youth receive technical training through the "New Schools."[4974]

The Public Defender's Office works with UNICEF to promote and defend the rights of minors, as well as to provide training and raise awareness.[4975] The Ministry of Health and Social Development is implementing a program to guarantee the rights of children

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[4965] UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, para. 170.
[4966] Ministry of Education and Sports, *Programa Espacios Educativos Altrernativos,* [online] March 19, 2004 [cited September 29, 2005]; available from http://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=137. See also U.S. Embassy-Caracas, *reporting, August 17, 2005*.
[4967] Ministry of Education and Sports, *Bienvenidos al Portal Oficial del Ministerio de Educación y Deportes de Venezuela: Lista de Páginas,* [online] n.d. 2005 [cited September 30, 2005]; available from http://www.me.gov.ve/modules.php?name=Content&pa=list_pages_categories&cid=16.
[4968] UNICEF, *Educación Intercultural Bilingüe en las Etnias Indígenas,* [online] n.d. [cited June 22, 2005]; available from http://www.unicef.org/venezuela/cuerpo-temas-3.htm.
[4969] Ministry of Education and Sports, *Programa de Alimentación Escolar,* [online] February 13, 2004 [cited September 30, 2005]; available from http://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=96.
[4970] UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, para. 168.
[4971] UNESCO, *Plan Educación para Todos: Venezuela*, prepared by Culture and Sports Ministry of Education, August 2003, 19; available from http://portal.unesco.org/education/en/ev.php-URL_ID=8369&URL_DO=DO_TOPIC&URL_SECTION=201.html.
[4972] Ministry of Education and Sports, *Ministerio de Educación y Deportes de Venezuela: Lista de Páginas*.
[4973] Ministry of Education and Sports, *Liceo Bolivariano*, Caracas, September 2004, Section II; available from http://www.me.gob.ve/Documento%20Liceo%20Bolivariano2.pdf.
[4974] Ministry of Education and Sports, *Ministerio de Educación y Deportes de Venezuela: Lista de Páginas*.
[4975] Public Defendor, *Convenio entre UNICEF y la Defensoría del Pueblo,* [online] 2002 [cited September 30, 2005]; available from http://www.defensoria.gov.ve/imprimir.asp?sec=1903&id=242&plantilla=8.

and adolescents through strengthening the National Protections System as well as related projects with funding from the IDB.[4976]

[4976] IADB, *Programa de Apoyo a La Infancia y Adolescencia*, November 28, 2000; available from http://www.iadb.org/exr/doc98/apr/ve1302s.pdf. See also Venezuelan Social Investment Fund, *Con éxito FONVIS reactiva el Programa de Apoyo a la Infancia y Adolescencia,* [online] June 30, 2005 [cited September 30, 2005]; available from http://www.fonvis.gov.ve.

Yemen

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/15/00	
Ratified Convention 182 6/15/00	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

An estimated 23.7 percent of children ages 6 to 14 years were counted as working in Yemen in 2001. Approximately 27.2 percent of all boys 6 to 14 were working compared to 20.1 percent of girls in the same age group.[4977] Children living in rural areas are more likely to work than children in urban areas.[4978] The majority of working children work in agricultural sectors, including in the production of *qat* (a mild narcotic found in Yemen).[4979] Children also work as street vendors, beggars, domestic servants, and in the fishing, leather, construction, textile, and automobile repair sectors.[4980] Children employed in domestic service and working street children are particularly vulnerable to sexual abuse and exploitation.[4981] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 15.7 percent of the population in Yemen were living on less than USD 1 a day.[4982]

[4977] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4978] Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also U.S. Department of State, *Country Reports- 2004: Yemen*, Section 6d.

[4979] Republic of Yemen, *Poverty Reduction Strategy Paper (PRSP): 2003-2005*, May 31, 2002, 11; available from http://www.imf.org/external/np/prsp/2002/yem/01/053102.pdf. Children working in agriculture are exposed to hazardous working conditions including the use of pesticides, prolonged exposure to extreme temperatures, and carrying heavy loads. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also UN Committee on the Rights of the Child, *Third Periodic Reports of States Parties due in 2003: Yemen*, CRC/C/129/Add.2, prepared by Government of Yemen, pursuant to Article 44 of the Convention on the Rights of the Child, December 3, 2004, para. 319; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/55f20ff8a72f20c0c1256f8800329002?Opendocument.

[4980] See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also CHF International, *Alternatives to Combat Child Labor through Education and Sustainable Services in the Middle East and North Africa (MENA) Region*, project document, Silver Spring, MD, March 28, 2005, 7-8. It has been reported that children who work in restaurants have encountered sexual abuse. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

[4981] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Yemen*, CRC/C/15/Add.267, prepared by Government of Yemen, pursuant to Article 44 of the Convention on the Rights of the Child, June 3, 2005, paras. 64, 72; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/1296a4127ff7b38ac1257018002e6633?Opendocument.

[4982] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

Yemen is a country of origin and destination for child trafficking.[4983] The U.S. State Department reports that children are trafficked out of the country to work as street beggars, domestic help, or as camel jockeys in oil rich Gulf States, especially Saudi Arabia.[4984] Very young children are reportedly trafficked into Saudi Arabia and forced to beg or work, often with the consent of their parents.[4985] There have been reports of some parents driven by poverty to push their daughters into brief "tourist marriages" to male tourists from wealthy Gulf States, which can be considered another form of child prostitution.[4986] Children are also used as smugglers to move goods between Saudi Arabia and Yemen. Children move back and forth across the border, smuggling in *qat* (an illegal substance in Saudi Arabia) and bringing back flour to sell at home.[4987] Children reportedly participate in ongoing conflicts among tribal groups and in the defense of *qat* fields.[4988]

The Constitution guarantees free and compulsory primary education to all Yemeni citizens from age 6 to 15 years.[4989] However, according to the U.S. Department of State, the law on compulsory education is not applied.[4990] In 2002, the gross primary enrollment rate was 83 percent and the net primary enrollment rate was 72 percent.[4991] Gross and net enrollment ratios are based on the number of students formally registered

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[4983] U.S. Department of State, *Trafficking in Persons Report- 2005: Yemen, Kuwait, Saudi Arabia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm. See also U.S. Department of State, *Country Reports- 2004: Yemen*. See also Victoria Firmo-Fontan, *Abducted, beaten and sold into prostitution: two women's story from an Iraq in turmoil,* The Independent, [online] July 24, 2004 [cited December 13, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/IRC/newsdesk_articles.asp?SCID=1484.

[4984] U.S. Department of State, *Trafficking in Persons Report- 2005: Yemen, Kuwait, Saudi Arabia*. The majority of trafficked children in Yemen are from the poor, northern regions of the country, particularly in the governorates of Hajja and al-Mahweet, close to the Saudi Arabian border. See U.S. Embassy- Sana'a, *reporting*, March 15, 2005. Press reports claimed that children were trafficked out of the country at a rate of approximately 200 children per week. See U.S. Department of State, *Country Reports- 2004: Yemen*, Section 5. See also U.S. Embassy - Sana'a, *reporting*, May 21, 2005.

[4985] Reuters, *Yemen: Fears over increasing child trafficking,* [online] December 8, 2005 [cited December 13, 2005]; available from http://www.alertnet.org/thenews/newsdesk/IRIN/5dde8e4137c3567c18fcd97571d639b4.htm. See also UNICEF, *Where the Streets are Golden: Yemeni families traffic their boys to Saudi Arabia hoping for a better life,* 2005 [cited July 5, 2005]; available from http://www.unicef.org/protection/index_27525.html.

[4986] Integrated Regional Information Networks, *Yemen: Social impact of temporary marriages,* [online] 2005 [cited July 7, 2005]; available from http://www.irinnews.org/print.asp?ReportID=48010.

[4987] Paul Garwood, "Yemen Steps up Fight vs. Child Smuggling," *Associated Press* (Seattle), October 29, 2005; available from http://www.childtrafficking.org/cgi-bin/ct/main.sql?ID=2117&file=view_news.sql&TITLE=-1&TOPIC=-1&YEAR=-1&LISTA=No&GEOG=545&FULL_DETAIL=Yes.

[4988] It is culturally accepted that boys will be given their own gun between 10 and 16 years of age, varying by region. In rural areas in the north, boys often own or carry fully automatic assault rifles from the age of 15 years. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also Coalition to Stop the Use of Child Soldiers, *Global Report 2004*.

[4989] *Yemen (Constitutional Guarantees),* UNESCO, [Right to Education Database] November 1994 [cited July 5, 2005], Articles 32 and 53; available from http://www.right-to-education.org/search/index.html. See also U.S. Department of State, *Country Reports- 2004: Yemen*, Section 5.

[4990] U.S. Embassy - Sana'a, *reporting, May 21, 2005*.

[4991] UNESCO Institute for Statistics, *Gross and Net Enrolment Ratios, Primary*, October 2005; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51.

in primary school and therefore do not necessarily reflect actual school attendance. Children's work interferes with school attendance, particularly in the agriculture and domestic service sectors.[4992] In 2001, 52.9 percent of children ages 5 to 14 years were attending school.[4993] As of 2001, 76 percent of children who started primary school were likely to reach grade 5.[4994] According to Ministry of Education estimates, more than 3 million children in Yemen are without access to education. Yemen has only an estimated 15,000 formal schools to serve the country's population centers, many of which are too remote to provide sufficient infrastructure. The Government of Yemen has committed to building at least one new school per day, but would need to build at least four schools per day to keep pace with demand.[4995] Recently, the Government has been criticized for giving too much attention to increasing access to basic education, and insufficient efforts to improve the quality of schooling.[4996] The lack of trained teachers, especially female teachers and the lack of sanitary facilities at schools have been identified as major deterrents to enrollment and retention in rural areas, particularly for girls.[4997] Nearly half of primary school age girls in Yemen do not go to school.[4998]

Child Labor Laws and Enforcement

The 2002 Yemeni Child Rights Law sets the minimum working age at 14 years; 15 years is the minimum age for industrial work. The law also emphasizes that children must be protected from all types of exploitation. The existing Labor Law stipulates that young persons (defined as any person below 15 years of age) may not be employed without the consent of his/her guardian and without notifying the Ministry's specialized office.[4999] It is unclear which law would apply in the case of a child under 15 who is working with the consent of his/her parents. In addition, there are no restrictions on children of any age

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[4992] Lorenzo Guarcello and Scott Lyon, *Children's Work and Water Access in Yemen*, prepared by Understanding Children's Work (UCW), March 2003, 3-4; available from http://www.ucw-project.org/resources/pdf/cw_yemen_water.pdf.

[4993] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

[4994] UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates*, December 2005; available from http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55.

[4995] Dr. Hashem Awnallah, Ministry of Planning- Republic of Yemen, "Progress and Challenges in Mainstreaming the Most Disadvantaged Children & Youth: Experiences from Yemen" (paper presented at the Urban Children and Youth in the MENA Region, Dubai, May 17, 2005).

[4996] UN Committee on the Rights of the Child, *Third Periodic Reports of States Parties*, para. 247.

[4997] UNDP Yemen, *Literacy and Education,* [online] 2005 [cited July 5, 2005]; available from http://www.undp.org.ye/education.htm.

[4998] UNICEF, *Promoting Girls' Education in Yemen,* UNICEF, February 15, 2005 [cited July 7, 2005]; available from http://www.unicef.org/girlseducation/Yemen.pdf.

[4999] The Rights of the Child Act No. 45 of 2002 covers the substance and provisions of the UN Convention on the Rights of the Child, and as such, is regarded as a major legislative success for children in Yemen. See UN Committee on the Rights of the Child, *Third Periodic Reports of States Parties*, paras. 3, 35, 134. See also ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen: Consolidating Action against the Worst Forms of Child Labour*, project document, RAB/04/P51/USA, ILO, Geneva, September 3, 2004, 103. See also Government of Yemen, Labor Code, Act No. 5 of 1995, (1995), Chapter IV, Articles 48-53; available from http://natlex.ilo.org/txt/E95YEM01.htm.

working in family enterprises.[5000] Under the Labor Code of 1995, a young person may work up to 7 hours per day and must be allowed a 60-minute break after 4 hours of labor. A young person may work a maximum of 42 hours per week.[5001] An employer must secure the approval of a child's guardian and notify the Ministry of Labor before employing a young person. The Labor Code prohibits hazardous working conditions for children. Overtime, night work, and work on official holidays are prohibited for young persons. Moreover, employers must grant every youth a 30-day annual leave for every 12-month period of labor completed. Neither the child nor the parent may waive this annual leave.[5002] The Labor Code further establishes the minimum wage for children to be not less than two-thirds that of an adult.[5003] Since 1999, the Government of Yemen has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[5004]

The Ministry of Labor's Child Labor Unit is responsible for enforcing child labor laws.[5005] The U.S. Department of State reports that while there are laws in place to regulate employment of children, the government's enforcement of these provisions is limited, especially in remote areas.[5006] According to Understanding Children's Work, a joint program of the World Bank, ILO-IPEC, and UNICEF, legal sanctions for child labor violations, including fines of 5,000-20,000 Yemeni Riyals (USD 28-111) and up to three months of imprisonment, are rarely applied.[5007]

The worst forms of child labor may be prosecuted under different statutes in Yemen. Children under age 18 are prohibited from entering the government armed forces.[5008] Although Yemeni law does not specifically prohibit trafficking in persons[5009], there are provisions in the Penal Code to prosecute and punish traffickers.[5010] Article 248 of the Yemeni Penal Code stipulates a prison sentence of 10 years for "anyone who buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him." If the offense is committed against a child, the prison term can be extended to 15 years. Article

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[5000] It is estimated that 87 percent of child workers in Yemen are working in some kind of family enterprise. Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 3.
[5001] *Labor Code*, Article 48.
[5002] Ibid., Articles 48-52.
[5003] Ibid., Article 52.
[5004] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[5005] U.S. Department of State, *Country Reports- 2004: Yemen*, Section 6d.
[5006] Ibid. There are fewer than 20 child labor inspectors in Yemen. See U.S. Embassy- Sana'a, *reporting*, August 23, 2004.
[5007] Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 31. For currency conversions, see Oanda.com, *FXConverter,* [online] [cited December 9, 2005]; available from http://www.oanda.com/convert/classic.
[5008] Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also Coalition to Stop the Use of Child Soldiers, *Global Report 2004*.
[5009] U.S. Department of State, *Trafficking in Persons Report- 2005: Yemen, Kuwait, Saudi Arabia*. See also U.S. Embassy- Sana'a, *reporting, March 15, 2005*.
[5010] U.S. Embassy- Sana'a, *reporting, March 15, 2005*. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Yemen, Kuwait, Saudi Arabia*.

249 assigns a penalty of seven years in prison for kidnapping and the death penalty in kidnapping cases that involve sexual assault or murder. Articles 146, 147, and 161 of the Child Rights Law protect children from sexual and economic exploitation and other illegal activities.[5011] In 2004, the most recent year for which such information is available, the government investigated 12 cases of trafficking in children and referred two for prosecution, resulting in one conviction and a three-year prison sentence. In March, the U.S. State Department reported that there were numerous cases of aborted child trafficking operations intercepted by authorities during the year, particularly in the cities of Sana'a and Aden.[5012] The government has stated that it is extremely difficult to control Yemen's long seacoast, and that lack of resources, security staff, and equipment have exacerbated the situation.[5013]

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

The Government of Yemen is implementing policies to curb child labor outlined in its National Strategy to Combat Child Labor and through its Poverty Reduction Strategy Paper (PRSP), which was designed to complement and support the government's efforts to alleviate poverty.[5014] The government is also taking steps to combat child labor through its National Strategy for Integrating Youth into Development, which aims to enforce laws and legislation that prohibit child labor and undertake actions against any forms of exploitation of young people that adversely affect their mental, physical, social or ethical well-being, among other goals.[5015] The Ministry of Human Rights has established a center to receive complaints concerning the exploitation, trafficking, and sexual or other abuse of children, and has set up a hotline for this purpose.[5016]

With support from USDOL, the Government of Yemen is implementing a national program in cooperation with ILO-IPEC that aims to strengthen enforcement and monitoring mechanisms, build capacity, raise awareness on the negative consequences of child labor, and prevent and/or withdraw several thousand children engaged in or at risk

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[5011] U.S. Embassy- Sana'a, *reporting, March 15, 2005*.
[5012] U.S. Embassy- Sana'a, *reporting, March 15, 2005*.
[5013] UN Committee on the Rights of the Child, *Consideration of Reports of States Parties (continued): Third periodic report of Yemen*, CRC/C/SR.1049, prepared by Government of Yemen, pursuant to Article 44 of the Convention on the Rights of the Child, June 9, 2005, para. 54; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/43ba7a8950f906ecc125708400311306?Opendocument.
[5014] See UN Committee on the Rights of the Child, *Third Periodic Reports of States Parties*, para. 8. Among the main objectives, the PRSP seeks to develop a sound social system that emphasizes the health and education of girls. See World Bank, *Yemen Makes Strides in Poverty Fight,* DevNews Media Center, [electronic press release] September 10, 2002 [cited March 12, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20067417~menuPK:34457~pagePK:34370~piPK:34424~theSitePK:4607,00.html. See also Republic of Yemen, *PRSP*, 11.
[5015] Ministry of Youth and Sport Republic of Yemen, *The National Strategy for Integrating Youth Into Development, Second Edition*, 2002, 20.
[5016] UN Committee on the Rights of the Child, *Consideration of Reports*, para. 56.

of engaging in the worst forms of child labor.[5017] As part of this project, ILO-IPEC, with support from the Mayor of Sana'a, provides remedial education and vocational training in a rehabilitation center for street children who are engaged in exploitative forms of work or at-risk of entering child labor.[5018] The Ministry of Labor's Child Labor Unit is working with support from ILO-IPEC to analyze and update information on the worst forms of child labor in Yemen, and other aspects of child labor pertaining to gender, education, statistics, inspection, enforcement, occupational health and safety, and legislation; and to conduct additional policy analysis on the linkages between child labor and development issues.[5019] The government is also participating in a USD 8 million sub-regional project funded by USDOL to combat child labor through education in Lebanon and Yemen.[5020]

The Government of Yemen is increasing its efforts to combat trafficking in children and has signed agreements with neighboring countries in order to deal with the problem.[5021] Yemeni authorities, with support from UNICEF, are also working to crack down on corruption of border guards who participate in trafficking and to raise awareness among parents about the dangers of child trafficking.[5022] The government is also using its state-owned radio waves to broadcast programs for families aimed at raising awareness of child trafficking. The Yemeni government, in cooperation with UNICEF and ILO-IPEC, has set up a reception center at the Haradh border with Saudi Arabia to receive, rehabilitate, and educate child returnees. Since its launch in May until December 2005, the center had received more than 300 children.[5023]

Although Yemen has the second lowest literacy rate for women in the Middle East,[5024] the government is committed to improving overall basic education and bridging the gender gap.[5025] The government has recently abolished primary school fees, assigned monetary penalties to parents who do not send their children to school, and prohibited

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[5017] The 4-year project, which began in September 2004, is targeting the following districts and sectors: Aden (fisheries); Hadhramout-Seiyoon (rural child labor); and Sana'a (working street children). See ILO-IPEC, *Supporting the National Policy and Programme Framework, project document*, 38.
[5018] U.S. Embassy- Sana'a, *reporting, August 23, 2004*. Throughout the year, the center holds classes after working hours to facilitate the transition from work to school. See U.S. Embassy- Sana'a, *reporting*, August 18, 2003.
[5019] ILO-IPEC, *Supporting the National Policy and Programme Framework, project document*, 33.
[5020] U. S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World*, press release, Washington, DC, October 1, 2004. The 4-year project is targeting 3,000 children working and/or at-risk of working in agriculture or vulnerable to trafficking in Hajja, agricultural laborers in Ibb, and children working in the fishing industry in Abyan. See also CHF International, *Alternatives to Combat Child Labor through Education and Sustainable Services in the Middle East and North Africa (MENA) Region*, cover page.
[5021] UN Committee on the Rights of the Child, *Consideration of Reports*, para. 22.
[5022] Garwood, "Yemen Steps up Fight."
[5023] Reuters, *Yemen: Fears over increasing child trafficking*.
[5024] UNESCO, *Education in the Arab States: Five Million Girls Still Denied Access to School,* UNESCO Media Services, [electronic press release] May 14, 2003 [cited July 7, 2005]; available from http://portal.unesco.org/en/ev.php@URL_ID=12055&URL_DO=DO_TOPIC&URL_SECTION=201.html.
[5025] UNICEF, *Promoting Girls' Education in Yemen,* UNICEF, February 15, 2005 [cited July 7, 2005]; available from http://www.unicef.org/girlseducation/Yemen.pdf.

corporal punishment in schools to eliminate some of the main obstacles to education.[5026] Through the National Strategy for Girls' Education and the National Strategy for the Development of Basic Education 2000-2015, special classes have been established for girls in existing schools, and new primary and secondary schools have been built. Other efforts include teacher training, modernization of curricula, and the provision of better facilities and equipment to schools throughout Yemen.

Through the World Bank's Education for All Fast Track Initiative, Yemen is one among 13 countries receiving expedited support to expand and improve the basic education sector and to provide all children with a primary school education by the year 2015.[5027] In 2005, with support from the World Bank, the Government of Yemen began implementing a USD 65 million Basic Education Development Program to help increase access to basic education for all, particularly girls and disadvantaged groups, to enhance the quality of education and to strengthen the capacity of the Ministry of Education (MOE).[5028] The Government of Yemen and the World Bank are also continuing to implement the Basic Education Expansion Project, which aims to support national basic education sector strategies.[5029] UNICEF is also working with the government to reduce the gender gap in primary education and improve educational quality.[5030] USAID is supporting a USD 4.7 million project to increase access to and improve the quality of basic education at the school level.[5031]

[5026] UN Committee on the Rights of the Child, *Consideration of Reports*, paras. 7-8, 34.

[5027] World Bank, *World Bank Announces First Group Of Countries For 'Education for All' Fast Track,* [electronic press release] June 12, 2002 [cited July 7, 2005]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[5028] The 10-year project is scheduled to close in June 2010. See World Bank, *Yemen: World Bank Approves US $65 Million to Boost Basic Education in Yemen*, press release, Washington, D.C., September 24, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20261552~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html. See also World Bank, *Yemen: Basic Education Development Program,* World Bank, [database online] July 7, 2005 [cited July 7, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P043255.

[5029] World Bank, *Basic Education Expansion Project,* World Bank, [database online] July 7, 2005 [cited July 7, 2005]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P043255. See also World Bank, *Republic of Yemen-Basic Education Expansion Project, Project Document Information*, YEPE43255, World Bank, May 26, 2000; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2000/07/27/000009265_3980929100228/Rendered/PDF/multi0page.pdf. See also U.S. Embassy- Sana'a official, email communication to USDOL official, February 17, 2004.

[5030] Activities include training teachers, headmasters, and teachers and parents' councils, and raising awareness at the community, regional, and national levels. See UNICEF, *Promoting Girls' Education in Yemen*.

[5031] U.S. Embassy- Sana'a official, email communication, February 17, 2004.

Zambia

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	02/09/1976	
Ratified Convention 182	12/10/2001	
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

Incidence and Nature of Child Labor

An estimated 11.2 percent of children ages 5 to 14 were counted as working in Zambia in 1999. Approximately 11.5 percent of all boys 5 to 14 were working compared to 10.8 percent of girls in the same age group. The majority of working children were found in the agricultural sector (90.1 percent), followed by services (9.1 percent), manufacturing (0.5 percent) and other sectors (0.3 percent).[5032] Children work in the hotel and catering industries, as well as in domestic service, and transportation.[5033] In urban areas, children work in street vending.[5034] According to ILO-IPEC, it is not uncommon to find children working in hazardous industries and occupations, including stone crushing and construction.[5035] Children also work in mining.[5036] Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 63.7 percent of the population in Zambia were living on less than USD 1 a day.[5037]

It is estimated that there are as many as 1 million orphans under age 15 in Zambia, primarily due to the HIV/AIDS epidemic.[5038] These orphans often migrate to urban areas and live on the streets.[5039] The problem of child prostitution is widespread in Zambia and, in Lusaka, it can be partly attributed to the growing numbers of street children.[5040] Zambia is a source and transit country for women and children who are trafficked for

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[5032] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[5033] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Zambia*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41633.htm.

[5034] Ibid.

[5035] ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey: Country Report*, ILO-IPEC, Lusaka, 2001, Tables 4.7 and 4.15. See also *Ministry of Labour and Social Security of Zambia official, Efforts to Eliminate the Worst Forms of Child Labour in Zambia, letter to USDOL official, June 6, 2001.* See also U.S. Embassy- Lusaka, *reporting*, August 19, 2003.

[5036] ILO, *Committee of Experts on the Application of Conventions and Recommendations: Individual Observation concerning Convention No. 138, Minimum Age, 1973 Zambia (ratification: 1976) Published: 2004*, Geneva, 2004; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7594&chapter=6&query=Zambia%40ref&highlight=.

[5037] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

[5038] U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.

[5039] In the city of Lusaka alone, an estimated 30,000 children live on the streets. Ibid., Sections 5 and 6d.

[5040] See Ibid., Section 5.

commercial sexual exploitation.[5041] Zambian police in 2004 intercepted a group of 14 Congolese girls between the ages of 5 to 17 years being trafficked to South Africa.[5042]

According to government policy, education is free for the first 9 years of primary school, but not compulsory.[5043] The government continues to prohibit mandatory uniforms and school fees for primary school students.[5044] However, the lack of educational materials and inadequate educational facilities in Zambia remains a problem[5045] and education is inaccessible for many families.[5046] In 2002, the gross primary enrollment rate was 82 percent and the net primary enrollment rate was 68 percent.[5047] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, 52.8 percent of children ages 5 to 14 years were attending school.[5048] As of 2001, 98 percent of children who started primary school were likely to reach grade 5.[5049] Since 1990, enrollment rates have increased only marginally, due to the lack of schools, distances from children's homes to schools, inadequate infrastructure, and lack of textbooks and learning materials.[5050] In primary school, the number of boys and girls are approximately equal, but in secondary school, fewer girls attend.[5051]

Child Labor Laws and Enforcement

The Constitution establishes 15 years as the minimum age for employment and states that under no circumstance can children under 15 be forced or allowed to engage in any work that would harm their health or education or interfere with their physical, mental, or moral development.[5052] The Employment of Young Persons and Children Act of 1933 prohibits children up to the age of 18 from engaging in hazardous work, but commercial

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[5041] See U.S. Department of State, *Trafficking in Persons Report- 2005: Zambia*, Washington, D.C., June 3, 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm. Children who have been orphaned by HIV/AIDS are at especially high risk of being trafficked. See The Protection Project, *The Annual Human Rights Report on the Trafficking of Persons, Especially Women and Children: Zambia*, Washington, D.C., 2005; available from www.protectionproject.org/report/zambia.doc [hard copy on file].
[5042] U.S. Department of State, *Trafficking in Persons Report- 2005: Zambia*.
[5043] U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.
[5044] Ibid.
[5045] Ibid.
[5046] Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco Growing Sector in Africa*, 21, Fafo Institute for Applied Social Science, 2000; available from http://www.fafo.no/pub/rapp/654/654.pdf.
[5047] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[5048] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.
[5049] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[5050] USAID, *Overview of USAID Basic Education Programs in Sub-Saharan Africa III*, technical paper, No. 106, SD Publication Series, Office of Sustainable Development, Bureau for Africa, Washington, D.C., February 2001, 95.
[5051] U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.
[5052] Government of Zambia, *Constitution of Zambia*; available from http://www.oefre.unibe.ch/law/icl/za00000_.html.

farms are exempt from this law.[5053] The government's ban on street vending has had the effect of moving street vendors to designated marketplaces where they are regulated by child labor laws.[5054]

The worst forms of child labor may be prosecuted under different statutes in Zambia. Although Zambia does not have a comprehensive trafficking law, the Constitution prohibits forced labor and trafficking of children.[5055] The Employment of Young Persons and Children's (Amendment) Act 2004 made the worst forms of child labor illegal in Zambia, including child prostitution, slavery in all of its forms, military conscription, and work that is harmful to the safety, health, or morals of children and young people.[5056] The law also prohibits the trafficking of children under 18 years.[5057] Children between the ages of 13 and 15 years are permitted to perform light work under certain conditions.[5058] The Defense Act prohibits children who are "under the apparent age of 18" from being recruited into the military without the consent of a parent, guardian, or local District Secretary.[5059] Since 1999, the Government of Zambia has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[5060]

The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws[5061] and has established a child labor unit to specifically address issues relating to child labor.[5062] The MLSS conducts inspections of workplaces and investigates child labor complaints.[5063] The Employment of Young Persons and Children's Act gives labor inspectors the authority to enter households and farms in order to investigate potential child labor violations. The Act also allows the MLSS to bring child labor charges which can result in a fine or imprisonment. The U.S. Department of State reports that the MLSS Child Labor Unit is currently underfunded, as its budget was substantially reduced

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[5053] The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agricultural Sector in Africa: Country Annex for Zambia*, project document, RAF/00/P51/USA, Geneva, 2000, 65.
[5054] U.S. Embassy- Lusaka, *reporting, August 19, 2003*.
[5055] *Constitution of Zambia, 1991*.
[5056] The Employment of Young Persons and Children's Act was amended in September 2004. U.S. Embassy- Lusaka, *reporting*, August 28, 2005. A "young person" is defined as a person between the ages of 15 and 18 years. Government of Zambia, *Employment of Young Persons and Children (Amendment) Act*.
[5057] U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.
[5058] *Employment of Young Persons and Children (Amendment) Act, 2004*.
[5059] The UN Committee on the Rights of the Child is concerned that the law is stated in terms of "apparent age," and noted that births were registered in Zambia at a rate of less than 10 percent in 1999. Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Zambia*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=966.
[5060] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[5061] U.S. Embassy- Lusaka, *reporting, August 19, 2003*.
[5062] Ibid. See also Ministry of Labour and Social Security of Zambia official, Efforts to Eliminate the Worst Forms of Child Labour in Zambia, June 6, 2001.
[5063] U.S. Embassy- Lusaka, *reporting,* August 19, 2003.

in 2005.[5064] The Zambian Police's Victim Support Unit is responsible for monitoring trafficking reports and reporting on its anti-trafficking efforts.[5065]

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

The Ministry of Youth, Sport, and Child Development received funding in 2005 for a program that provides education and skills training for children who have been removed from the streets, including prostitutes and older youth.[5066] The government also continues to work with NGOs to relocate street children and place them in educational settings.[5067] The government also continues to undertake awareness-raising activities to sensitize lawmakers, teachers, and trade union officials about child labor.[5068] In addition, the government has sponsored efforts to raise awareness about child domestic labor in local communities.[5069] The government, with the support of ILO-IPEC, is developing child labor training manuals for its labor officers, and data and monitoring systems for its inspectors and investigators.[5070] Despite its budget reduction, the MLSS Child Labor Unit hired 49 new labor inspectors, officers, and prosecutors in 2005 to aid enforcement of child labor laws.[5071]

The Government of Zambia participates in a USDOL-funded ILO-IPEC regional capacity-building project. It also participated in an ILO-IPEC regional project through May of 2005, which targeted children working in commercial agriculture, particularly in the cotton industry, commercial sexual exploitation, and domestic work.[5072] In addition, Zambia is part of a regional ILO-IPEC project that provides skills training to children in the worst forms of child labor in the urban informal sector. This project is funded by the Canadian government, and is also being implemented in Kenya, Ghana, Tanzania, and Uganda.[5073] The Zambian government is also collaborating with Jesus Cares Ministries on the second phase of a USDOL-funded Child Labor Education Initiative project that aims to withdraw and prevent children from engaging in exploitive work through the provision of educational services. The project targets children who are working in

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[5064] The government's child labor budget decreased by nearly 50 percent in 2005 to USD 60,000 (from USD 115,380 in 2004). U.S. Embassy- Lusaka, *reporting,* August 28, 2005.
[5065] U.S. Department of State, *Trafficking in Persons Report- 2004: Zambia*, Washington, DC, June 13 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.
[5066] The Government of Zambia allocated USD 333,333 for this program, which converts Zambia National Service camps into education centers. The program has benefited 200 street children to date and expects to reach 1,000 children once renovations to the camps have been completed. U.S. Embassy- Lusaka, *reporting,* August 28, 2005. See also U.S. Embassy- Lusaka, *reporting*, August 24, 2004. See also U.S. Embassy- Lusaka, *reporting,* August 19, 2003.
[5067] U.S. Embassy- Lusaka, *reporting,* August 28, 2005.
[5068] U.S. Embassy- Lusaka, *reporting,* August 24, 2004.
[5069] Ibid.
[5070] U.S. Embassy- Lusaka, *reporting,* August 28, 2005.
[5071] Ibid.
[5072] ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, project document, RAF/02/P51/USA, Geneva, September 2002. See ILO-IPEC, *East Africa Commercial Agriculture, project document.*
[5073] ILO-IPEC official, email communication to USDOL official, November 8.

prostitution, stone-crushing, and agriculture.[5074] The government is also working with IOM in border areas to train police and immigration officers to identify and investigate human trafficking.[5075]

In 2005, the Government of Zambia continued to implement its universal primary education program, called the Basic Education Sub-Sector Investment Program (BESSIP), with the support of the World Bank and other donors.[5076] BESSIP specifically targets working children.[5077] The government also works with UNICEF to help girls stay in or return to school as part of the Program for the Advancement of Girls' Education.[5078] In addition to these activities, the Ministry of Education is implementing a program to combat child labor that includes policy coordination, curriculum review, and awareness-raising activities.[5079]

[5074] U.S. Department of Labor, *ICLP Projects Funded in FY 2005,* [online] November 18, 2005 [cited February 8, 2006]; available from http://www.dol.gov/ilab/programs/iclp/projectchart05.htm.
[5075] U.S. Department of State, *Trafficking in Persons Report- 2005: Zambia*.
[5076] The Government of Zambia is the largest contributor to the USD 340 million BESSIP program, with its allocation of USD 167 million; other donors have contributed USD 133 million, and the World Bank has contributed USD 40 million for the program. See Ministry of Finance and Economic Development, *Interim Poverty Reduction Strategy Paper*, Government of the Republic of Zambia, Lusaka, July 7, 2000, Section 24.
[5077] See U.S. Embassy- Lusaka, electronic communication to USDOL official, October 29, 2003.
[5078] U.S. Department of State, *Country Reports- 2004: Zambia*, Section 5.
[5079] U.S. Embassy- Lusaka, *reporting,* August 24, 2004.

Zimbabwe

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/6/2000	
Ratified Convention 182 12/11/2000	
ILO-IPEC Associated Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Zimbabwe are unavailable.[5080] Over 90 percent of economically active children age 5 to 17 reside in rural areas.[5081] These children often work in traditional and commercial farming, forestry, and fishing.[5082] Many of these children work for long hours in the fields, in some cases in order to pay for schooling.[5083] The incidence of child labor on commercial farms has decreased, however, as a result of the government's land redistribution program.[5084] Children also work in domestic service, small-scale mining, gold panning, quarrying, construction, microindustries, manufacturing, trade, restaurants, and as beggars.[5085] The high unemployment rate has contributed to an increased incidence of children working in the informal sector as more children have been forced to fill the income gap left by ill and unemployed relatives.[5086] Child labor is one of many problems associated with poverty. In 1995, the most recent year for which data are available, 56.1 percent of the population in Zimbabwe were living on less than USD 1 a day.[5087]

[5080] This statistic is not available for the data sources that are used in this report. Please see the "Data Sources and Definitions" section of this report for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

[5081] Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey: Country Report- Zimbabwe*, online, Government of Zimbabwe, Central Statistical Office, Harare, 1999, para. 15; available from http://www.ilo.org/public/english/standards/ipec/simpoc/zimbabwe/report/index.htm.

[5082] Ibid., para. 45, 60. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labor, Nairobi, October 8-9, 2000), 87. Children from rural areas are also often recruited to work as domestics in the houses of distant kin or unrelated employers for long hours with little free time.

[5083] Children work after school during the planting and harvesting seasons and full time during holidays. See Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector," 84.

[5084] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Zimbabwe*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27760.htm.

[5085] Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, 60. See also Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector," 87.

[5086] In 2004, the unemployment rate was estimated to be as high as 80 percent. U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 6d.

[5087] World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

In July 2002, the government announced that as of January 2003, national youth training camps, also known as youth militia training, would be compulsory for all children completing school.[5088] While the purpose of the camps is to build self-esteem, equip children with job skills, and reinforce their understanding of Zimbabwe's struggle for independence, reports indicate that no real vocational instruction takes place and that trainees are subjected to poor conditions and political indoctrination.[5089] In addition, girls as young as 11 or 12 were said to have been repeatedly raped at the camps, including by officials.[5090]

The HIV/AIDS epidemic has also increased children's vulnerability to exploitative work.[5091] The epidemic has left close to 1 million children orphaned and has forced children or adolescents who head their families to work in order to survive.[5092] Government-funded and private orphanages are filled to capacity, and the number of street children continued to rise dramatically, severely straining formal and traditional social safety systems.[5093] The situation facing many children has led them to rely increasingly on dangerous survival strategies such as poaching, theft, and prostitution.[5094]

Zimbabwe is a source and transit country for the trafficking and sexual exploitation of women and children, according to the U.S. Department of State.[5095] There were reports that women and children were internally trafficked to southern border towns as well as to South Africa for commercial sexual exploitation.[5096] There were also reports of police or immigration officials sexually abusing children at the borders of Botswana and South Africa.[5097]

Education is neither free nor compulsory in Zimbabwe.[5098] The HIV/AIDS crisis and increasing school fees have combined to increase dropout rates and reduce school enrollment and attendance.[5099] In 2003, the gross primary enrollment rate was 93 percent

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[5088] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=803.
[5089] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5090] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*. See also Integrated Regional Information Networks, ""Green Bombers" deserting poor conditions in camps", [online], January 23, 2004; available from http://www.irinnews.org/print.asp?ReportID=39106.
[5091] Zimbabwe suffers from one of the highest rates of HIV infection in the world, with 24.6 percent of adults HIV infected, and 120,000 children infected. See UNAIDS/WHO, *UNAIDS/WHO Epidemiological Fact Sheet - Zimbabwe*, 2004 Update, 2.
[5092] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5093] Ibid.
[5094] Ibid. See also UNICEF, *At a Glance: Zimbabwe,* UNICEF, [online] [cited May 13, 2005]; available from http://www.unicef.org/infobycountry/zimbabwe.html.
[5095] U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*, online, U.S. Department of State, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.
[5096] Ibid.
[5097] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5098] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5099] Ibid.

and the net primary enrollment rate was 79 percent.[5100] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance rates are not available for Zimbabwe.[5101] As of 2002, 70 percent of children who started primary school were likely to reach grade 5.[5102]

Child Labor Laws and Enforcement

The minimum age for employment is 13 years.[5103] Children between the ages of 13 and 15 may be employed if they are apprentices or if their work is an integral part of a vocational training program.[5104] At age 15, children may engage in light work beyond training programs, and young persons under the age of 18 years are prohibited from performing work that might jeopardize their health, safety, or morals.[5105]

The Children's Protection and Adoption Amendment Act prohibits the involvement of children in hazardous labor. The act defines hazardous labor as any work likely to interfere with the education of children; expose children to hazardous substances; involve underground mining; require the use of electronically powered hand tools, cutting, or grinding blades; expose children to extreme conditions; or occur during a night shift.[5106]

The worst forms of child labor may be prosecuted under different statutes in Zimbabwe. The Criminal Code prohibits children from visiting or residing in a brothel and prohibits anyone from causing the seduction, abduction, or prostitution of children.[5107] No laws specifically address trafficking in persons.[5108] The Sexual Offenses Act criminalizes the transportation of persons across borders for sex.[5109] Both the Constitution and Labor Relations Amendment Act prohibit forced labor. However, the Labor Relations Amendment Act makes an exception for labor required from a member of a disciplined force, presumably allowing for compulsory service in the National Youth Service.[5110]

[5100] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed October 2005).
[5101] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5102] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).
[5103] U.S. Embassy- Harare, *reporting*, August 25, 2003.
[5104] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 6d.
[5105] Ibid.
[5106] *Children's Protection and Adoption Amendment Act*, (2001); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=ZWE&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.
[5107] U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*.
[5108] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5109] U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*.
[5110] Labor required by way of parental discipline is also excluded from the definition of forced labor. See U.S. Embassy- Harare, *reporting*, August 2003. See also *Constitution*; available from http://confinder.richmond.edu/Zimbabwe.htm#14.

Under the Sexual Offenses Act of 2001, a person convicted of prostituting a child under the age of 12 years is subject to a fine of up to ZWD 35,000 (USD 5.60) or imprisonment of up to 7 years.[5111] The Sexual Offenses Act also establishes a maximum fine of ZWD 50,000 (USD 8.06) and a maximum prison sentence of 10 years for procuring another person for prostitution or sex inside and outside of the country.[5112] Since 1999, the Government of Zimbabwe has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[5113]

According to an ILO report, labor regulations, including child labor laws, are poorly enforced because of weak interpretations of the laws, a lack of labor inspectors, and a poor understanding among those affected of their basic legal rights.[5114] While reports indicate that labor relations officers from the Ministry of Public Service, Labor and Social Welfare are responsible for general enforcement of labor regulations, it is unclear if they also handle child labor cases.[5115] The Zimbabwe Republic Police serve as the primary authority to combat trafficking and the Department of Immigration monitors borders.[5116] Although the government has established Victim Friendly Courts in Harare (where abuses perpetrated against children can be tried), no trafficking cases had been prosecuted as of 2004, the latest year for which such information is available.[5117]

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

While the government has completed the development of a National Plan of Action for Orphans and Vulnerable Children to help ensure that such children are able to access education, food, and health services and are protected from abuse and exploitation, the plan had not been enacted by the end of 2004 due to a lack of budgetary resources.[5118] The Government of Zimbabwe has a Child Labor Task Force Committee to define child labor, identify child exploitation, recognize problem areas, and propose legislation to resolve these problems.[5119]

[5111] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5112] Ibid.
[5113] ILO-IPEC official, e-mail communication to USDOL official, November 14, 2005.
[5114] Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 85-86.
[5115] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 6e. See also Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, Action and Policy Recommendations, paragraph 8.
[5116] UNICEF, *2nd World Congress against Commerical Sexual Exploitation of Children*, Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region, UNICEF, Yokohama, December 17-20 2001; available from http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html.
[5117] U.S. Department of State, *Trafficking in Persons Report - 2005: Zimbabwe*, Washington, D.C., June 1, 2005; available from http://www.state.gov/g/tip/rls.tiprpt/2005/46616.htm. See also UNICEF, *2nd World Congress against Sexual Exploitation of Children - Analysis*.
[5118] More recent information on its status is not available. U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.
[5119] The committee is composed of the Ministries of Education, Sport and Culture: National Affairs; Youth Development, Gender and Employment Creation; Public Service, Labor and Social Welfare; Health and Child Welfare; Lands, Agriculture, and Rural Resettlement; and Local Government, Public Works and

Monies from the universal AIDS payroll tax have been allocated through the National AIDS councils for a number of supportive services for orphans, including funds to cover school expenses.[5120] On May 19, 2005, however, the Government of Zimbabwe commenced Operation Murambatsvina, also referred to as Operation Restore Order, in an attempt to "drive out filth" from illegal dwellings and structures and to combat alleged unlawful activities.[5121] It is estimated that 700,000 residents (over 200,000 children) have lost either their homes, jobs, or both, causing an estimated drop in school enrollment between 20 and 25 percent.[5122]

The government engaged in anti-trafficking efforts and programs to combat sexual exploitation of children.[5123] In 2005, the Attorney General's office began developing an anti-trafficking education and training program for prosecutors and judges to equip them to better utilize existing law to address trafficking-related issues in prosecutions.[5124]

The Ministry of Public Service, Labor, and Social Welfare's Children in Difficult Circumstances Program and the Basic Education Assistance Module (BEAM) provide school fees, uniforms and books for children who cannot afford to attend school.[5125] By the second term of the 2004 school year, education assistance given to orphans and disadvantaged children through BEAM had run out due to a hike in school fees, leaving at least 800,000 children receiving support unable to pay the higher fees.[5126] Corruption in the beneficiary selection process also undermined the provision of these social welfare grants, with selection committees in some communities directing grants to relatives, friends, and political supporters.[5127] UNICEF and other international organizations are assisting with the government's education efforts and have been particularly involved in school feeding programs during the recent food crisis.[5128] UNICEF is also in the process

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National Housing. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Brief: Zimbabwe,* [online] September 12, 2002 [cited September 20, 2002]; available from http://www.beps.net/ChildLabor/Database.htm. Hard copy on file, no longer available online.

[5120] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.

[5121] Anna Kajumulo Tibaijuka, *Report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe*, United Nations, July 17, 2005, 7. See also *The Impact of "Operation Murambatsvina" (Drive Out Filth) in Zimbabwe*, Combined Harare Residents Assocation, Zimbabwe Peace Project, ActionAid International, August, 2005, iii.

[5122] Anna Kajumulo Tibaijuka, *UN Special Envoy Report on Impact of Operation Murambatsvina*, 7, 41. See also *The Impact of "Operation Murambatsvina" (Drive Out Filth) in Zimbabwe*, v.

[5123] "Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region" (paper presented at the 2nd World Congress Against Commercial Sexual Exploitation of Children, Nairobi, Kenya, October 2001); available from http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979975.

[5124] U.S. Department of State, *TIP Report - 2005: Zimbabwe*.

[5125] Integrated Regional Information Networks, *Zimbabwe: Hundreds of thousands may be out of school,* [online] April 29, 2004 [cited October 7, 2005]; available from http://www.irinnews.org/print.asp?ReportID=40832.

[5126] Ibid.

[5127] U.S. Department of State, *Country Reports- 2004: Zimbabwe*, Section 5.

[5128] UNICEF, *Southern Africa - Countries in crisis,* [online] 2005 [cited October 7, 2005]; available from http://www.unicef.org/noteworthy/safricacrisis/zimbabwe.html. See also Vongai Makamure, *Food Aid*

of rehabilitating 100 satellite schools, and training 15,000 primary school teachers to teach life skills and provide education on HIV/AIDS to 500,000 pupils.[5129] The Ministry of Education operates 489 satellite schools on formerly white-owned commercial farms to accommodate the close to 70,000 children whose families have been resettled from communal lands.[5130] Satellite schools, often criticized for their poor quality education and resulting high absenteeism, function as unregistered learning centers affiliated with local official schools.[5131]

Programme to Start at Critical Time in Zimbabwe, World Vision International, February 19, 2002; available from http://www.wvi.org/wvi/archives/africa/zimbabwe.htm#19/02/2002. See also Oxfam, "Zimbabwe Short of Food," *Oxfam News* (April 3, 2003); available from http://www.oxfam.ca/news/Zimbabwe/April3_update.htm. See also Christian Aid, *Christian Aid in Zimbabwe,* in Christian Aid, [online] September 2005 [cited October 7, 2005]; available from http://www.christian-aid.org.uk/world/where/safrica/zimbabp.htm.

[5129] UNICEF, *At a Glance: Zimbabwe*.

[5130] Integrated Regional Information Networks, *Zimbabwe: Farm kids struggle to find decent education,* [online] February 13, 2004 [cited October 7, 2005]; available from http://www.irinnews.org/print.asp?ReportID=39468.

[5131] Ibid.

Territories and Non-Independent Countries

There is limited information regarding the extent and nature of child labor and the quality and provision of education in non-independent countries and territories eligible for GSP, AGOA, and CBTPA benefits. These countries and territories generally are not eligible to become members of the ILO, so ILO Conventions 138 and 182 do not apply to any of them.[5132] Territories are subject to laws of the sovereign country.

Anguilla (territory of the United Kingdom)

Statistics on the number of working children under age 15 in Anguilla are unavailable.[5133] Information is unavailable on the incidence and nature of child labor. The Labor Code sets the minimum age for employment at 15 years, and prohibits night work for children under the age of 18 years.[5134] The Education Act of 1994 mandates compulsory education for 13 years from the age of 5 through 17 years.[5135] In 2002, the gross primary enrollment rate was 100 percent, and the net primary enrollment rate was 95 percent.[5136] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Anguilla. According to the population Census 2001 there was a small number of children below age 15 years not attending school due to severe physical or mental disabilities. The Special Needs Department of the Ministry of Education promotes activities to expand access to education for these children.[5137] The Government of Anguilla is implementing a 5-year Education Development Plan that aims to increase access to quality education, improve teacher assessments and retention rates, promote curriculum standardization, provide

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[5132] ILO official, *e-mail communication to USDOL official*, January 31, 2002. Most of the areas covered in this summary report are considered by the ILO to be non-metropolitan territories and therefore, are ineligible to become members of the ILO. An ILO member can submit a declaration to the ILO requesting that these conventions apply to their non-metropolitan territories. See ILO, *Constitution*; available from http://www.ilo.org/public/english/about/iloconst.htm.

[5133] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[5134] *Government of Anguilla, Labour Code 2003*; available from http://www.ahta.ai/article/articleview/1019/1/172/.

[5135] U.S. Department of State official, e-mail communication to USDOL official, March 16, 2004.

[5136] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the glossary of this report.

[5137] U.S. Department of State official, e-mail communication, March 16, 2004.

increased teacher training, and increase the emphasis on social education and the involvement of teachers in educational planning.[5138]

British Virgin Islands (territory of the United Kingdom)

Statistics on the number of working children under age 15 in the British Virgin Islands are unavailable.[5139] Under the Education Ordinance, children must attend school until the age of 14.[5140] In 2002, the gross primary enrollment rate was 107 percent, and the net primary enrollment rate was 94 percent.[5141] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for the British Virgin Islands. The Development Planning Unit's Social Welfare Policy of 2002 calls for universal access to and completion of primary education.[5142] The Labor Standards set the minimum age for employment at 14 years.[5143] The government has set up a Complaints Commission to handle complaints of violations of children's rights.[5144]

Christmas Island and Cocos (Keeling) Islands (territories of Australia)

Statistics on the number of working children under age 15 on Christmas Island and in the Cocos (Keeling) Islands are unavailable.[5145] Western Australian (W.A.) state laws on education and child welfare apply to both territories. The W.A. Child Welfare Act of 1947 prohibits work during school hours and night work for children under 15 years.[5146] Causing, permitting or seeking to induce a child under 18 years to be involved in prostitution or pornography can result in 14 years of imprisonment under the W.A.

[5138] Government of Anguilla, *Draft Five-Year Education Development Plan 2005-2010*, November 2004, 11-12; available from http://www.gov.ai/First%20Draft%20EDP%202005-2010.pdf.
[5139] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5140] Sheila Brathwaite, Permanent Secretary, Ministry of Natural Resources and Labour, letter to USDOL official, September 14, 2000. Education is compulsory for 11 years. See UNESCO Institute for Statistics, *National Education Systems,* [database online] [cited November 14, 2005]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.
[5141] UNESCO Institute for Statistics, (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the glossary of this report.
[5142] Government of the British Virgin Islands, *Social Welfare Policy*, Development Planning Unit, 2002, 5; available from http://dpu.gov.vg/Plans/NIDS/pdf/SocialWelfarePolicy.pdf.
[5143] Brathwaite, letter, September 14, 2000.
[5144] Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.135, Geneva, October 16, 2000; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.135.En?OpenDocument.
[5145] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5146] *Western Australia Child Welfare Act 1947*, Section 107B(2); available from http://www.slp.wa.gov.au/statutes/swans.nsf/5d62daee56e9e4b348256ebd0012c422/4011418e908f429c4825664d000a775f/$FILE/Child%20Welfare%20Act%201947.PDF.

Prostitution Act.[5147] The Australian Federal Police are responsible for enforcing laws on Christmas Island.[5148] Education is free and compulsory for children ages 6 to 15.[5149] Primary school enrollment and attendance statistics are not available for Christmas Island and Cocos (Keeling) Island.

Cook Islands (self-governing state in free association with New Zealand)

Statistics on the number of working children under age 15 in the Cook Islands are unavailable.[5150] According to the Education Act, education is compulsory and free for children between the ages of 5 and 15 years.[5151] Recent primary school enrollment and attendance statistics are not available for the Cook Islands. The Ministry of Education developed a 5-year plan in 2004 that seeks to improve the quality and efficiency of pre-primary through secondary education.[5152] A National Youth Policy was launched in 2003.[5153]

The Industrial and Labor Ordinance of 1964 prohibits the employment of children under the age of 16 between the hours of 6 p.m. and 7 a.m. and on Sundays and holidays. Children under the age of 18 may not work in dangerous occupations, unless they have been trained to handle dangerous machinery. The Labor and Consumer Affairs Division of the Ministry of Internal Affairs is responsible for monitoring the implementation of child labor laws.[5154]

Falkland Islands (territory of the United Kingdom)

Statistics on the number of children working under age 15 in the Falkland Islands are unavailable.[5155] According to the Government of the Falkland Islands, in 2002 there were no children below compulsory school age working full time and there have been no

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[5147] *Western Australia Prostitution Act 2000*, Section 16; available from http://www.slp.wa.gov.au/statutes/yrbyyr.nsf/2c010fb704a430a348256865002a4868/41f6b49fe9934f13482569110024095c?OpenDocument. See also *W.A. Child Welfare Act 1947*, Section 108.
[5148] U.S. Embassy- Canberra, *Submission on Child Labor Practices and Laws in Australia's Dependent Territories*, May 2005.
[5149] *Western Australia School Education Act 1999*, Section 6; available from http://www.slp.wa.gov.au/statutes/yrbyyr.nsf/2c010fb704a430a348256865002a4868/25ce0e8c00c8e7f8482568260006183f?OpenDocument.
[5150] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5151] UNESCO, *Education for All 2000 Assessment: Country Reports- Cook Islands*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, Section 1.2; available from http://www2.unesco.org/wef/countryreports/cook_islands/rapport_1.htm. See also U.S. Embassy-Auckland official, e-mail communication, October 1, 2001.
[5152] Cook Islands Ministry of Education, *Strategic Direction - 5 Year Plan,* [online] 2004 [cited September 26, 2005]; available from http://www.education.gov.ck/strategic.htm.
[5153] Tangata Vainerere, *A Sense of Direction for our Youth,* Pacific Islands Business Magazine, [online] April 2004 [cited September 27, 2005]; available from http://www.spc.org.nc/Youth/WebTemp/youth_news.html.
[5154] U.S. Embassy-Auckland official, e-mail communication, October 1, 2001.
[5155] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

recent cases involving the commercial sexual exploitation of children.[5156] In addition, the Foreign Office of the United Kingdom received no reports or complaints of child labor violations in 2004, the most recent date such information was available.[5157] Education is free and compulsory from 5 years of age until the end of the academic year during which a child reaches 16 years of age. Primary school enrollment and attendance statistics are not available for the Falkland Islands.

The Employment of Children Ordinance prohibits the employment of children under the age of 14. Children 16 and under cannot work during school hours, before 7 a.m. or after 7 p.m. on any day, for more than 2 hours on a school day or on Sundays.[5158] The Employment of Women, Young Persons and Children Ordinance of 1967 prohibits children under the age of 18 from working in industrial establishments.[5159]

Sexual activity with a child under 13 years can result in up to 14 years of imprisonment under the United Kingdom's Sexual Offenses Act of 2003. The act also specifically prohibits the purchase of a child for sexual services and causing, controlling, arranging or facilitating child prostitution or pornography.[5160] The government is not currently implementing any policies or programs to address child labor, as this is not perceived to be a problem, because of the 100 percent school enrollment rate and the restrictions on employment in the Children's Ordinance.[5161] The government has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the Child.[5162]

Gibraltar (territory of the United Kingdom)

Statistics on the number of working children under age 15 in Gibraltar are unavailable.[5163] The Foreign Office of the United Kingdom received no reports or complaints of child labor violations in 2004.[5164] Information on the incidence and nature of child labor is unavailable. Education is free and compulsory between the ages of 4 and

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[5156] The most recent year a report was received from the government was 2002. That year, the government reported that it has no records of how many children between the ages of 14 and 18 are working on a part-time basis. See Alison A.M. Inglis, Crown Counsel, e-mail communication to USDOL official, September 11, 2002.
[5157] U.S. Department of State official, e-mail communication to USDOL official, May 24, 2005.
[5158] Inglis, e-mail communication, September 11, 2002.
[5159] Rosalind Cheek, Crown Counsel, Attorney General's Chambers, e-mail communication to USDOL official, December 21, 2000.
[5160] Government of the United Kingdom, *Sexual Offences Act 2003*; available from http://www.opsi.gov.uk/acts/acts2003/30042--b.htm. During 2005 the Government of the Falkland Islands worked to adapt the law to the local context. See Falklands Legislative Council, *Debate on the Bills,* [online] May 25, 2005 [cited September 28, 2005]; available from http://www.sartma.com/artd_1694_06_2005_19.html.
[5161] Inglis, e-mail communication, September 11, 2002.
[5162] Committee on the Rights of the Child, *Concluding Observations*, para. 15.
[5163] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5164] U.S. Department of State official, e-mail communication, May 24, 2005.

15 years.[5165] Primary school enrollment and attendance statistics are not available for Gibraltar. Procuring a girl under 18 years of age, permitting a girl under 16 years of age to use premises for intercourse, and causing or encouraging prostitution of a girl under 16 years of age are illegal.[5166] Slavery, servitude, and forced labor are prohibited under the Gibraltar Constitution Order of 1969.[5167] The Employment and Training Ordinance prohibits the employment of children under the age of 15 years in any industrial undertaking, and from working at night or underground.[5168] Labor Inspectors are responsible for ensuring compliance with the Employment Ordinance.[5169] The Convention on the Rights of the Child has not yet been extended to include Gibraltar.[5170]

Montserrat (territory of the United Kingdom)

Statistics on the number of working children under age 15 in Montserrat are unavailable.[5171] Information is also unavailable on the incidence and nature of child labor. However, the Foreign Office of the United Kingdom received no reports or complaints of child labor violations in 2004, the most recent date such information was available.[5172] The government has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the Child.[5173] Education is compulsory for children between the ages of 5 and 16, and free up to the age of 17.[5174] In 2002, the gross primary enrollment rate was 118 percent.[5175] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance rates are unavailable for Montserrat. However, the incidence of truancy and the number of drop-outs from school is increasing.[5176]

[5165] Government of Gibraltar, *Education and Training,* [online] [cited September 26, 2005]; available from http://www.gibraltar.gov/gi/gov_depts/education_index.htm.
[5166] Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: Gibraltar,* [database online] [cited September 26, 2005]; available from http://www.interpol.int/public/children/SexualAbuse/NationalLaws/csaGibraltar.asp.
[5167] Government of Gibraltar, *The Gibraltar Constitution - 1969*, (May 23, 1969), Chapter 1, Section 4; available from http://www.gibraltar.gov.gi/.
[5168] Committee on Human Rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Convention: Addendum*, Geneva, April 11, 2000, para. 130; available from http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/056436a2db6f8d0cc12569650053d508?OpenDocument.
[5169] Government of Gibraltar, *Employment,* [online] [cited September 26, 2005]; available from http:www.gibraltar.gov.gi/gov_depts/emp_training/emp_train_index.htm.
[5170] Committee on the Rights of the Child, *Concluding Observations*, para. 5.
[5171] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5172] U.S. Department of State official, e-mail communication, May 24, 2005.
[5173] Committee on the Rights of the Child, *Concluding Observations*, para. 15.
[5174] U.S. Department of State official, e-mail communication, March 16, 2004. See also Alex Ackie, Clerical Officer, Governor's Office, e-mail communication to USDOL official, January 23, 2001.
[5175] UNESCO Institute for Statistics, (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the glossary of this report.
[5176] Committee on the Rights of the Child, *Concluding Observations*, para. 43.

Niue (self-governing state in free association with New Zealand)

Statistics on the number of working children under age 15 in Niue are unavailable.[5177] Information is also unavailable on the incidence and nature of child labor. Education is compulsory from 5 to 16 years of age.[5178] In 2002, the gross primary enrollment rate was 126 percent, and the net primary enrollment rate was 99 percent.[5179] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Niue. The Niue Youth Council is implementing a 2003-2008 National Youth Policy to empower youth and prevent emigration.[5180]

Norfolk Island (jointly-governed territory of Australia)

Statistics on the number of working children under age 15 on Norfolk Island are unavailable.[5181] Norfolk Island's Employment Act prohibits employment for children younger than 15 years during school hours and at night.[5182] The Island's Education Act makes education free and compulsory for children ages 5 to 15 years.[5183] Primary school enrollment and attendance statistics are not available for Norfolk Island.

Pitcairn Islands (territory of the United Kingdom)

Statistics on the number of working children under age 15 in the Pitcairn Islands are unavailable.[5184] In 2002, the Government of Pitcairn Islands reported that there were no working children in the territory.[5185] Children under age 15 are prohibited from engaging in paid government work.[5186] Education is free and compulsory between the ages of 5 and 15.[5187] Primary school enrollment and attendance statistics are not available for the

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[5177] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.ILO, *LABORSTA,* [online] August 2005; available from http://laborsta.ilo.org/.
[5178] UNESCO, *Education for All 2000 Assessment: Country Reports- Niue*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, 1999, Part II, Section 6; available from http://www2.unesco.org/wef/countryreports/niue/contents.html.
[5179] UNESCO Institute for Statistics, (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross enrollment rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.
[5180] Tangata Vainerere, *A Sense of Direction for our Youth*. See also Pacific Youth Bureau, *Pacific Youth Strategy 2005 Updates*, 2005; available from http://www.spc.int/youth/PYS_2005/niue.htm.
[5181] U.S. Embassy- Canberra, *submission, May 2005*.
[5182] *Norfolk Island Employment Act 1988*, Section 24; available from http://www.info.gov.nf/legislation/ConsolidatedActs/EmploymentAct1988.doc.
[5183] U.S. Embassy- Canberra, *submission, May 2005*.
[5184] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5185] Leon Salt, Commissioner for Pitcairn Islands, e-mail communication to USDOL official, August 25, 2002.
[5186] Leon Salt, Commissioner for Pitcairn Islands, e-mail communication to USDOL official, November 7, 2000.
[5187] Ibid.

Pitcairn Islands. Under the Summary Offences Ordinance, a parent or guardian who does not ensure the regular attendance of their child at school can be fined up to NZD 25 (USD 17.59).[5188]

Saint Helena (territory of the United Kingdom)

Statistics on the number of working children under age 15 in Saint Helena are unavailable;[5189] however, in 2000, the Government of St. Helena reported that there were no working children in the territory.[5190] The minimum age for employment is 15 years.[5191] Education is free and compulsory between the ages of 5 and 15.[5192] Primary school enrollment and attendance rates are unavailable for St. Helena. St. Helena participates in a Joint Child Protection Strategy with other South Atlantic territories.[5193]

Tokelau (self-administering territory of New Zealand)

Statistics on the number of working children under age 15 in Tokelau are unavailable.[5194] Information is also unavailable on the incidence and nature of child labor. Education is compulsory for 12 years, or up to age 16.[5195] Primary school enrollment and attendance rates are not available for Tokelau.

Turks and Caicos Islands (territory of the United Kingdom)

Statistics on the number of working children under age 15 in the Turks and Caicos Islands are unavailable.[5196] Information is also unavailable on the incidence and nature of child labor. The Turks and Caicos Employment Ordinance of 2004 sets the minimum age of employment at 15 years and stipulates that children under 16 years must have parental or guardian consent to work. However, children under 16 years may work for family members.[5197] The Constitution of Turks and Caicos prohibits slavery and forced labor.[5198] The government provides 13 years of basic education to children from age 4 to

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[5188] Salt, e-mail communication, August 25, 2002. For currency conversion see FXConverter, [online] [cited December 12, 2005]; available from http://www.oanda.com/convert/classic.
[5189] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5190] Gillian Francis, Assistant Secretary, e-mail communication to USDOL official, November 24, 2000.
[5191] Ibid.
[5192] Ibid.
[5193] Alan George, "Launch of a Child Protection Strategy," *The Islander*, December 23, 2004, [cited September 27, 2005]; available from http://www.sartma.com/art_1327.html.
[5194] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5195] UNESCO Institute for Statistics, *National Education Systems*.
[5196] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.
[5197] *Employment Ordinance 2004*, Part II, Articles 9-10; available from http://tcimall.tc/commerce/2004EmploymentBill.doc.
[5198] *The Constitution of the Turks and Caicos Islands*, (May 15, 1998), Part VIII, Section 70; available from http://www.turksandcaicosislands.gov.tc/OtherPages/THE%20CONSTITUTION.pdf.

16.[5199] In 2002, the gross primary enrollment rate was 84 percent, and the net primary enrollment rate was 73 percent.[5200] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for the Turks and Caicos Islands. The government has set up a Complaints Commission to handle complaints of violations of children's rights.[5201]

West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)

Statistics on the number of working children under age 15 in West Bank and Gaza are unavailable.[5202] The Palestinian Central Bureau of Statistics published results from a 2004 Labor Force Survey, which estimated that 1.1 percent of children ages 10 to 14 were working in West Bank and Gaza during that year.[5203] The survey estimated that 46.1 percent of working children are employed in agriculture, fishing, and forestry, while 6.6 percent are employed in construction. Two-thirds of working children are employed as unpaid family members, while 28.1 percent are employed as wage employees outside the home.[5204] The survey also reported that 7.6 percent of working children were exposed to injury or chronic disease during their work,[5205] and 24.3 percent of child laborers do not attend school.[5206] There are also reports that children have received military training and function as fighters or as human shields for Palestinian armed groups.[5207]

[5199] Commonwealth Secretariat of the United Kingdom, *Commonwealth Yearbook: Turks and Caicos Islands,* [online] [cited September 27, 2005]; available from http://www.thecommonwealth.org/Templates/YearbookInternal.asp?NodeID=140431.
[5200] These figures are down from 99 percent gross and 88 percent net primary enrollment in 2001. See UNESCO Institute for Statistics, (Gross and Net Enrolment Ratios, Primary; accessed December 2005).
[5201] Committee on the Rights of the Child, *Concluding Observations*, para. 15.
[5202] Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the *Data Sources and Definitions* section of this report.
[5203] Palestinian Central Bureau of Statistics, *Labour Force Survey - Annual Report 2004*; available from http://www.pcbs.org/lab_annual04/tab_2.aspx. The Central Bureau of Statistics conducted another survey in 2004 with a sample size of 10,334 households with 8,601 households having at least one child. Of the children in the survey sample, only 1.7 percent meet the definition of child labor as used by the survey. Child labor, according to PCBS, is defined as unpaid family work, domestic work, or any type of paid work. For children ages 12 to 14 years, working more than 14 hours per week is considered child labor. For children ages 15 to 17 years, working more than 40 hours per week is considered child labor. See Palestinian Central Bureau of Statistics, *Child Labor Survey, 2004: Main Findings*, July 2004, 19, 24, 27; available from http://www.pcbs.org/press_r/lfs_child04e.pdf.
[5204] Palestinian Central Bureau of Statistics, *Child Labor Survey, 2004: Main Findings*, 28.
[5205] Ibid., 29.
[5206] Ibid., 27.
[5207] Coalition to Stop the Use of Child Soldiers, *Global Report 2004: Occupied Palestinian Territories*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=959. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Israel and the Occupied*

Education is compulsory through grade nine.[5208] In 2002, the gross primary enrollment rate was 99 percent, and the net enrollment rate was 91 percent.[5209] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for the West Bank and Gaza Strip. Although gross and net enrollment rates are high, many girls marry early and do not complete the mandatory level of schooling, and in rural areas and refugee camps, boys often drop out of school early to help support their families.[5210] The U.S. Department of State reports that closures and checkpoints limit children's and teachers' access to schooling and that student learning is negatively affected by the violent security situation.[5211] It has been reported that a shortage of 5,000 classrooms exists in the Arab sector of the public education system.[5212]

The minimum age for work in the West Bank and Gaza is 15 years, and there are restrictions on the employment of children between the ages of 15 and 18. The restrictions include prohibitions against night work, work under conditions of hard labor, or jobs that require them to travel outside their domicile.[5213] The Palestinian Authority is responsible for enforcing the area's labor laws; however, the U.S. Department of State reports that with only 40 labor inspectors for an estimated 65,000 enterprises, the Authority has limited capacity to enforce labor laws.[5214] There is no law specifically prohibiting trafficking in persons. No trafficking incidents have been reported.[5215]

The Child Rights Charter, passed by the Palestinian Legislative Council, is in effect to protect and guarantee the rights of children in West Bank and Gaza. Under this charter investigations into allegations of recruiting and exploiting children in armed operations are required, and those responsible for such activities are to be tried in a court of law.[5216]

The Palestinian Authority is working with UNICEF to improve child labor laws and enforcement, and with ILO-IPEC to assess the extent and nature of child labor in the West Bank and Gaza Strip.[5217] Through 2004, UNICEF provided 40,000 children with uniforms and school supplies, and distributed 375 school-in-a-box kits to reach 30,000

Territories, Washington, D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41723.htm.

[5208] U.S. Department of State, *Country Reports- 2004: Occupied Territories*, Section 5.

[5209] UNESCO Institute for Statistics, (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[5210] U.S. Department of State, *Country Reports- 2004: Occupied Territories*, Section 5.

[5211] A separation barrier's construction east of the village of Khirbat Jabara has resulted in missed schooling for children, especially since the village has no primary school. See Ibid.

[5212] U. S. Department of State, *Country Reports on Human Rights Practices- 2005: Israel and the Occupied Territories*, Washington, D.C., March 8, 2006, Section 5.

[5213] U.S. Department of State, *Country Reports- 2004: Occupied Territories*, Section 6d.

[5214] Ibid.

[5215] Ibid., Section 5.

[5216] Article 46 of the Charter states that "it is forbidden to recruit or use children in military actions or military conflicts and the state should take the necessary procedures to guarantee [this]." See Coalition to Stop the Use of Child Soldiers, *Global Report 2004: Occupied Palestinian Territories*.

[5217] U.S. Department of State, *Country Reports- 2004: Occupied Territories*, Section 6d.

students in affected Gaza schools.[5218] The World Bank is working with the Ministry of Social Affairs to implement a Social Safety Net project, which is assisting poor and vulnerable children access education through a conditional cash transfer program.[5219]

Western Sahara

Statistics on the number of working children under age 15 in Western Sahara are unavailable; however, the U.S. Department of State reports that child labor does not seem to be a problem.[5220] Residents of Western Sahara are subject to Moroccan labor laws that set the minimum age for employment at 15 years.[5221] Forced labor is prohibited under Moroccan law, and a law imposes fines and prison terms against those involved in trafficking in persons.[5222] Education is compulsory for 8 years.[5223] Information regarding government policies and programs to eliminate the worst forms of child labor in Western Sahara is unavailable.

Other Territories and Non-Independent Countries

Information on the incidence and nature of child labor, child labor laws and legislation, and government polices and programs to eliminate the worst forms of child labor is unavailable for the following territories and non-independent countries: British Indian Ocean Territory (territory of the United Kingdom), Heard Island and MacDonald Islands (territory of Australia), and Wallis and Futuna (territory of France).

[5218] UNICEF, *Occupied Palestinian Territory: Education,* [online] [cited September 30, 2005]; available from http://www.unicef.org/oPt/education.html.
[5219] The project runs through 2008. See World Bank, *Social Safety Net Reform Project,* [online] November 14, 2005; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=294365&menuPK=294396&Projectid=P081477.
[5220] ILO, *LABORSTA*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Western Sahara*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41735.htm.
[5221] U.S. Department of State, *Country Reports- 2004: Western Sahara*. See also Lawrence Connell, e-mail communication to USDOL official, January 29, 2002.
[5222] U.S. Department of State, *Country Reports- 2004: Western Sahara*.
[5223] UNESCO Institute for Statistics, *National Education Systems*.