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The Department of Labor's 2002 Findings on the Worst Forms of Child Labor: Trade and Development Act of 2000

Keywords

Key workplace documents, federal, ILR, Catherwood, international, child, labor, program, affairs, report, policy, issues, trade, development, criminal, social

Comments

Suggested Citation

U.S. Department of Labor. (2003). *The Department of Labor's 2002 findings on the worst forms of child labor: Trade and Development Act of 2000*. Washington, DC: Author.

The Department of Labor's 2002 Findings on the Worst Forms of Child Labor

Trade and Development Act of 2000



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

2003

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Trade and Development Act of 2000



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

2003



**SECRETARY OF LABOR
WASHINGTON**

APR 18 2003

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

Dear Gentlemen:

The enclosed report, entitled "The Department of Labor's 2002 Findings on the Worst Forms of Child Labor," is submitted in accordance with section 504 of the Trade Act of 1974 (19 U.S.C. 2464). The report describes the efforts of 146 countries and territories to meet their international commitments to eliminate the worst forms of child labor. We hope this report will be useful to the Congress.

Sincerely,

A handwritten signature in black ink that reads "E.L. Chao". The signature is stylized, with the first letters of the first and last names being prominent.

Elaine L. Chao

Enclosure

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Acknowledgments

This report was prepared under the direction of Thomas B. Moorhead, Deputy Under Secretary for International Labor Affairs, Michael Magán and Jorge Perez-Lopez, Associate Deputy Under Secretaries for International Labor Affairs, Martha Newton, Chief of Staff, and Marcia Eugenio, Acting Director of the International Child Labor Program. Coordination of the report was by Christine G. Camillo, Charita Castro, Meghan Cronin, and Tina Faulkner, and the writing, editing and research was done by the International Child Labor Program staff, Maya Bhullar, Craig Davis, Sonia Firpi, Sharon Heller, Amy LeMar, Maury Mendenhall, Eileen Muirragui, Eileen Pennington, Veronica Puente-Duany, Deepa Ramesh, Vivita Rozenbergs, Ami Thakkar, Mirellise Vazquez, Patrick Wesner, and Kevin Willcutts.

Other staff of the Bureau of International Labor Affairs, the Office of the Assistant Secretary for Policy, and the Office of the Solicitor who made major contributions include: Chantenia Gay, James A. Greene, Sarah Gormly, Sudha Haley, Teserach Ketema, Jona Lai, Kristin Lantz, Matthew Levin, Nick Levintow, E.J. Murtagh, Maureen Pettis, Tanya Rasa, Carlos Romero, Doris Senko, James Shea, Robert Shepard, Stephanie Swirsky, Ana Valdes, Ron Van Helden, Robert Wholey, and Robert Zachariasiewicz.

This report was published by the U.S. Department of Labor, Bureau of International Labor Affairs (ILAB). Copies of this and other reports in ILAB's child labor series may be obtained by contacting the International Child Labor Program, Bureau of International Labor Affairs, U.S. Department of Labor, Room S-5307, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 693-4843; Fax: (202) 693-4830; Email: GlobalKids@dol.gov. The reports are available on the Internet at: <http://www.dol.gov/ILAB/>.

Foreword

A cornerstone of this Administration's policy has always been the belief that free trade is essential for a strong global economy. When countries exchange goods in a free market, they are more likely to prosper economically. They are also more likely to be able to sustain a strong democracy, and provide health care and basic education to their children. Yet we know that in order for a free market to operate most effectively, it must be supported by protections for workers, including protections from exploitative child labor.

In this second annual report on the Department of Labor's Findings on the Worst Forms of Child Labor, mandated under the Trade and Development Act of 2000, we highlight child labor in the 146 developing countries and territories designated as beneficiaries under several major U.S. Government trade programs. In the report, we describe the extent of child labor in these countries and territories, the type of work that children are doing, the laws and enforcement policies that exist to protect them and the efforts that have been made by their governments to meet international commitments to eliminate the worst forms of child labor. I hope that all members of society—including government agencies, labor unions, industry groups, researchers and nongovernmental organizations—who dedicate themselves to eliminating the worst forms of child labor—as well as others in the U.S. and around the world with an interest in learning more about this issue, will find the information in this publication pertinent to their needs.

While this report provides many examples of significant and successful efforts that have been undertaken to eliminate the worst forms of child labor, there is still much work to be done around the world to end the abuse and exploitation of children in the workplace. With the recent passage of Trade Promotion Authority under the Trade Act of 2002, we hope to further strengthen international awareness regarding the worst forms of child labor, as well as give impetus to new efforts for addressing this problem where they are needed.

Thomas B. Moorhead
Deputy Under Secretary for International Affairs
U.S. Department of Labor
Washington, D.C.
April 14, 2003

Acronyms

ADB	Asian Development Bank
AGOA	African Growth and Opportunity Act
CBTPA	Caribbean Basin Trade Partnership Act
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
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 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	Nongovernmental Organization
OAS	Organization of American States
OECS	Organization of Eastern Caribbean States
OSCE	Organization for Security and Cooperation in Europe
SIMPOC	Statistical Information and Monitoring Program on Child Labor
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USDOL	United States Department of Labor
WFP	World Food Program
WHO	World Health Organization

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. Section 504 of the Trade Act of 1974 (Trade Act) requires the President to submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary country.¹ Section 412(c) of the TDA amended the Trade Act by expanding the annual report to include “the findings of the Secretary of Labor with respect to the beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.”² The countries referenced in the legislation are those countries that may be designated as beneficiaries under the U.S. Generalized System of Preferences (GSP),³ and includes GSP countries designated to receive additional benefits under the Caribbean Basin Trade Partnership Act (CBTPA) and African Growth and Opportunity Act (AGOA).⁴

Generalized System of Preferences

The GSP is a unilateral program that extends duty-free entry to a wide range of products from more than 140 designated developing countries and territories.⁵ The GSP program was enacted by Title V of the Trade Act of 1974.⁶ When the Trade and Tariff Act of 1984 reauthorized the program, new country practices eligibility criteria included a requirement that countries take steps to afford internationally recognized worker rights.⁷ 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

¹ Government of the United States of America, *Trade and Development Act*, Volume 19, (2000), § 2464; available from <http://thomas.loc.gov/cgi-bin/bdquery/z?d106:h.r.00434>.

² *Ibid.* See *infra* “The Worst Forms of Child Labor” and “Structure of the Report” for a discussion of the distinction between worst forms of child labor and child labor.

³ *Ibid.*, vol. 19, § 2461.

⁴ The Caribbean Basin Trade Partnership Act, which constitutes Title II of the TDA, provides additional benefits to certain GSP eligible countries in Central America and the Caribbean. The CBTPA includes as a criterion for receiving benefits “whether a country has implemented its commitments to eliminate the worst forms of child labor.” The African Growth and Opportunity Act constitutes Title I of the TDA. H.R. Conf. Rep. No. 606, 106th Cong., 2nd Sess. 123 (2000) states that with regard to “additional trade benefits extended to African beneficiary countries....the conferees intend that the GSP standard, including the provision with respect to the implementation of obligations to eliminate the worst forms of child labor, apply to eligibility for those additional benefits.” In addition to providing information on GSP beneficiaries’ efforts to eliminate the worst forms of child labor, this report also provides information on the efforts of CBTPA and AGAO beneficiaries.

⁵ *Trade and Development Act*, vol. 19, § 2461.

⁶ *Ibid.*, vol. 19, § 2461-67.

⁷ *Ibid.*, vol. 19, § 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 and Development Act*, § 2467 (4). For a complete listing of ineligibility criteria under the GSP, see *Trade and Development Act*, § 2462 (b).

President shall not designate any country a beneficiary developing country if “[s]uch country has not implemented its commitments to eliminate the worst forms of child labor.”⁸

The Worst Forms of Child Labor

The definition of the worst forms of child labor provided in the TDA is the same as the definition provided in the International Labor Organization’s (ILO) Convention No. 182 on the Worst Forms of Child Labor.⁹ Section 412(b) of the TDA¹⁰ defines “worst forms of child labor” as follows:

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

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

While the language of ILO Convention 182 and the TDA provides a clear indication of three categories of the worst forms of child labor in subparagraphs A-C, it does not provide a universal definition of what constitutes a worst form of child labor, as reflected in the more general language of the convention 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 should consider in determining what constitutes a worst form of child labor under this category.¹¹

Structure of the Report

The report provides individual profiles on 125 independent countries and a summary report on 21 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries under the CBTPA and AGOA. Wherever possible, these profiles focus on the worst forms of child labor, rather than on child labor in general. However, the profiles do not always make this distinction. First, some governments have not yet determined what constitutes a worst form of child labor in their country or territory under subparagraph (D) of ILO Convention 182.

⁸ *Trade and Development Act*, vol. 19, § 2462(b)(2)(H).

⁹ Convention 182 requires ratifying countries to take measures to prohibit and eliminate the worst forms of child labor as a matter of urgency. The Convention, which was unanimously adopted by the International Labor Conference in 1999, is the most rapidly ratified international labor convention in the ILO’s history. By February 2003, over 130 countries had ratified Convention 182.

¹⁰ *Trade and Development Act*, vol.19, § 2467(6).

¹¹ These guidelines include consideration of whether the work exposes children to abuse, if the work is conducted in an unhealthy environment, or if the work involves long hours, among other considerations.

Furthermore, because individual countries determine what constitutes a worst form of child labor under subparagraph (D), there is no universally accepted definition of all the worst forms of child labor. Finally, data and information on the incidence of the worst forms is often unavailable, due to the hidden nature of such activities. Therefore, the report presents as complete a picture as possible of the child labor situation in a country or territory. Each of the profiles consists of three sections: government policies and programs to eliminate the worst forms of child labor; incidence and nature of child labor; and child labor laws and enforcement.

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

To the extent that there is a problem in the country regarding the worst forms of child labor, this section describes government initiatives aimed at combating such practices. It is important to note, however, that it is often difficult to separate out those policies and programs that address only the worst forms of child labor from those that focus on child labor in general. In addition, although government efforts may not be focused on the worst forms of child labor, initiatives that improve family income or increase school attendance may have an impact on the worst forms of child labor. For these reasons, this section of the report provides information on both types of child labor initiatives where appropriate. Such initiatives include national plans of action or comprehensive policies to address the worst forms of child labor, which typically consist of a combination of strategies, including raising awareness about the worst forms of child labor, enhancing local capacity to address the problem, withdrawing children from exploitative 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 nongovernmental 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 access income generating opportunities for the children's families that help reduce dependence on the labor of their children.

Incidence and Nature of Child Labor

This section reviews estimates of the incidence of child labor in each country or territory, and provides examples of the activities in which children work. It bears stating at the outset that although the quantity and quality of child labor data is continuously increasing and improving, systematic statistical information about the incidence and nature of child labor tends to be scarce and is often dated. The lack of availability, reliability and timeliness of data is more pronounced for subsets of child laborers, such as those working subject to the worst forms of child labor. Although the preferred information for this section of the report is on children engaged in the worst forms of child labor, it is not always possible to separate out the worst forms from other types of child labor. In most instances overall child labor information is reported because data specifically on the worst forms is not available.

Also included in this section is information on laws and policies that set educational requirements for children, as well as a brief assessment of children's involvement in primary schooling.¹² This information provides an indication of the extent to which children are participating and successful in primary school. Children in the worst forms of child labor are less likely to participate in primary schooling. Primary school enrollment and attendance figures are presented along with estimates of the percentage of children reaching the fifth grade and the number that repeat a grade of school, where available.¹³ Information pertaining to gender, ethnicity, or rural/urban demographics is provided, if particularly relevant.

Child Labor Laws and Enforcement

This section reviews major laws and regulations related to child labor and available evidence regarding implementation. Laws and regulations described in this section include those that establish a minimum age for work and those that set related standards for light work, hours of work for children of different ages, and requirements of parental approval. 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.

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

Sources of Information

In preparing this report, the U.S. Department of Labor relied primarily on information garnered from the U.S. Department of State and U.S. consulates and embassies abroad. Also relied upon are a wide variety of reports and materials originating from foreign governments, international organizations, non-governmental organizations, and other agencies within the U.S. Government. U.S. Department of Labor officials also gathered materials during field visits to some of the countries covered in this report. Finally, information was submitted in response to a Department request for public input published in the *Federal Register*.¹⁴

¹² 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.

¹³ For a description of this data and a discussion of its limitations, please see Section IV of this report.

¹⁴ U.S. Department of Labor, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register* vol. 67 no. 150 (August 5, 2002), 50736-37.

Data Sources

Description and Limitations of Data

Statistics on Working Children

Statistics measuring the incidence of child labor in the individual profiles vary by age ranges and the definition used to measure child labor. There is no internationally endorsed definition on working children, or universally prescribed methodology for collecting data on child labor. The lack of concepts and methods for collecting child labor data has made it difficult to obtain comparable and reliable statistics across countries on working children. Therefore, estimates on the number of working children presented in this report come from government household surveys and international agencies that use varied age ranges and different definitions to construct child labor statistics. In general, estimates on the number of working children are likely to be underestimates because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, particularly children in the worst forms of child labor.

Resources used in this report for child labor statistics that use household surveys such as national census or labor force surveys come from ILO's *Yearbook of Labor Statistics*, ILO's *Economically Active Population Estimates and Projections: 1950-2010* database, and World Bank's *World Development Indicators*. Estimates on the number of working children from these sources are generally based on the definition of the "economically active population" which restricts the labor force activity of children to "paid" or "unpaid" employment, military personnel, and the unemployed. The definition does not include children in informal work settings, non-economic activities, or "hidden" forms of work such as domestic service, prostitution, or armed conflict.

Other sources on child labor statistics come from ILO-IPEC's SIMPOC and UNICEF's Multiple Indicator Cluster Surveys (MICS) that are specifically designed to measure the extent of child labor in a country. Although these surveys also employ the definition of "economically active", the universe for working children is extended to include work activities outside the definition, which would capture children working in the informal sector and domestic work. However, the methods for collecting data on the worst forms of child labor are also still inadequate.

Another main source used in this report is from country statistics on child labor provided by the Inter-Agency Research Cooperation Project on "Understanding Children's Work" (UCW) from the ILO, UNICEF, and the World Bank. The UCW project has compiled statistics from approximately 50 countries that use both traditional household surveys and child labor surveys. Estimates on the number of working children from this source also vary by age ranges and definitions.

In determining which source to use in presenting estimates on child labor for the individual profiles, priority is given to statistics collected from child labor surveys such as the ILO-IPEC SIMPOC survey or the UNICEF MICS survey. In instances where data is not available specifically from a child labor survey, estimates based on household survey data from the UCW project are presented to reflect the number of children working, children who combine school and work, and children who work in household chores for a specified amount of time. Finally, countries that do not have data on working children from a child labor survey or the UCW project draw on estimates from ILO's *Yearbook of Labor Statistics*, ILO's *Economically Active Population Estimates and*

Projections: 1950-2010 database, or the World Bank's World Development Indicators. In some cases, recent statistics from child labor surveys do not exist, and estimates from other more recent sources are presented along with estimates from the child labor survey.

Statistics on Primary Education

In addition to data on the number of working children, statistics on primary school attendance or enrollment are used in this report to provide a complimentary indicator of the number of children who work. The presentation of primary attendance statistics allows the reader to infer the proportion of children in the school-age population who are not in school and may be engaged in child labor or at risk of entering hazardous work activities. While primary attendance statistics are more accurate than primary enrollment statistics in illustrating the extent of child labor in a country, attendance statistics are not often collected and readily available. For countries in which primary attendance statistics do not exist, primary enrollment statistics are used instead.

There are, however, several limitations to using primary enrollment statistics that, when presented along with child labor data, can be misleading. Since child labor data and education statistics are usually collected separately and for different purposes, data on the percentage of children enrolled in school may not necessarily be consistent with statistics on working children. Primary enrollment statistics measure the number of children who are enrolled during a given school year, but do not reflect the number of children actually attending school. Thus, a child can be enrolled in school, but never attend. As a result, primary enrollment statistics often overstate the true number of children who attend classes on a regular basis, and underestimate the number of children who may be working. In other cases, children may be enrolled in or attending school, and are also engaged in a worst form of child labor outside of school hours.¹⁵ Nevertheless, to the extent that child labor and education are linked, it is still important to present some sort of education statistics because primary enrollment and attendance figures provide a measure of access to quality and relevant education for children, particularly those living in rural areas.

Data Sources on Child Labor and Primary Education

Sources of Child Labor Data

Child labor statistics in this report were obtained from the following four main sources:

1. ILO-IPEC Sponsored Child Labor Surveys

Since 1992, ILO-IPEC and ILO-STAT have worked in close collaboration with national statistical agencies and other institutions in several countries to design and implement specialized surveys on child labor.¹⁶ Eleven child labor surveys were conducted under the direction ILO-STAT, and administered either as a stand-alone survey or a child labor module as a part of a country's existing labor force surveys. In 1998, ILO-IPEC launched SIMPOC in which 34 countries either have

¹⁵ Despite the hazardous nature of some work activities, it is common for children to engage in child labor as a source of income in order to afford the additional costs of going to school. As a result, many children combine school and work, which often hinders a child's performance at school.

¹⁶ ILO, *Child Labour Surveys: Results of Methodological Experiments in Four Countries*, Geneva, 1996.

completed or are in the process of collecting child labor data.¹⁷ The population of working children generally includes children ages 5 to 17 who are employed, unemployed or domestic workers in their own household. Children who are working are either salaried, self-employed, unpaid family workers, or apprentices. Unlike traditional labor force surveys, the SIMPOC child labor surveys collect data on some work activities in the informal sector.¹⁸

2. UNICEF's Multiple Indicator Cluster Surveys (MICS)

In 1998, UNICEF began a process to assist countries assess progress in meeting their goals for the “World Summit for Children” using the MICS questionnaire.¹⁹ The MICS questionnaire includes 75 indicators for monitoring children’s rights such as child labor, child survival and health, child nutrition, maternal health, water and sanitation, and education. Child labor measures consist of children ages 5 to 14 who are paid, unpaid, and work at least 4 hours a day in domestic work.²⁰ About 49 developing countries included the child labor indicator in their MICS questionnaire;²¹ to date, 28 countries have submitted their national reports to UNICEF.²²

3. The Inter-Agency Research Cooperation Project on “Understanding Children’s Work”

The “Inter-Agency Research Cooperation Project: Developing New Strategies for UCW” is a group collaboration between ILO, UNICEF and the World Bank to minimize the duplication of efforts on child labor statistics among the three agencies, and identify information gaps in the data on child labor. ILO contributes data from its SIMPOC surveys, UNICEF from the MICS questionnaire, and the World Bank from its Living Standards Measurement Survey. The UCW project has country statistics on child labor, schooling and health indicators from government census or household surveys sponsored by at least one of the three agencies.²³

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

Child labor force participation rates for 2000 are taken from the World Bank’s *World Development Indicators 2002* or the ILO’s on-line database for labor statistics, which are based on data from the

¹⁷ ILO-IPEC, *SIMPOC: Facts and Figures*, [online] [cited January 31, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/factsheet.htm>.

¹⁸ ILO, *Child Labour Surveys*.

¹⁹ UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- Background*, [online] [cited January 31, 2002]; available from <http://childinfo.org/MICS2/Gj99306m.htm>.

²⁰ UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- Annex 1: Indicators for Monitoring Progress at End-Decade*, [online] [cited January 31, 2002]; available from <http://childinfo.org/MICS2/EDind/exdanx1.pdf>.

²¹ UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- Child Work*, [online] [cited January 31, 2002]; available from <http://childinfo.org/eddb/work/index.htm>.

²² UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- MICS2: National Reports*, [online] [cited January 31, 2002]; available from <http://childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm>.

²³ *Understanding Children’s Work: An-Interagency Research Cooperation Project at Innocenti Research Centre*, [online] [cited January 31, 2002]; available from <http://www.ucw-project.org>.

ILO's database *Estimates and Projections of the Economically Active Population (EAP): 1950-2010*. Statistics from the ILO's EAP database are different from statistics from ILO's SIMPOC child labor surveys. Labor force participation rates from the EAP database are based on the definition of the "economically active population" for children ages 10 to 14.²⁴ Although the EAP is less accurate in estimating the number of children working below the age of 15, it does provide a useful indicator because it is the only available source for comprehensive and comparable data on working children 10 to 14 years old.²⁵

Sources of Primary School Education Data

Primary school education data for gross and net primary school enrollment were obtained from either the *World Development Indicators 2002* or the *Education For All 2000 Assessment*. Gross and net primary school attendance rates were mostly obtained from USAID's *Global Education Database*.

1. World Development Indicators 2002 (WDI 2002)

The WDI 2002 is an annual compilation by the World Bank on development data gathered from several international and government agencies and private and nongovernmental organizations around the world. The WDI 2002 includes 800 indicators on topics in six areas: world view, people, environment, economy, states and markets, and global links. There are 85 tables covering the six categories with basic indicators on 224 countries.²⁶

Gross and net primary enrollment statistics in the country profiles primarily use 1998 data compiled in the WDI 2002. While the *Department of Labor's 2001 Findings on the Worst Forms of Child Labor* used similar 1998 data compiled in the WDI 2001, statistics presented in this year's report using 1998 data from the WDI 2002 may differ slightly because of statistical adjustments made in the school-age population or corrections to enrollment data. In several instances, there was no change in results from the WDI 2001 and WDI 2002 because enrollment statistics were not affected by the adjustments or corrections to the data were not needed.

2. Education for All 2000 Assessment

The *Education for All (EFA) Year 2000 Assessment Statistical Document* is a collection of quantitative data based on an in-depth evaluation of basic education at global, regional, and national levels gathered by UNESCO Institute for Statistics (UIS). Data is available for 185 countries. Indicators examined in this assessment include the demand for education, early childhood education and care, access and trends to primary education, public expenditure on primary education, teacher qualifications, and literacy rates.²⁷

²⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁵ ILO, *Source and Methods: Labour Statistics, Vol. 10: Estimates and Projections of the Economically Active Population 1950-2010*, Geneva, 2000.

²⁶ World Bank, *World Development Indicators 2002*.

²⁷ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

3. Global Education Database 2000 (GED)

The GED provides education data compiled by UNESCO and from USAID Demographic and Health Survey (DHS) sources. Data include education measures on the performance of a specific country or groups of countries over time in areas such as school enrollments and attendance, public expenditure, and gender parity. For most of the 145 UNESCO indicators, data are for 1980, 1985, and for single years from 1990 through 1997 or 1998. DHS statistics are presented for the specific country and year in which surveys were conducted and are reported through 1999. With over 200 countries represented, the database is a useful tool for cross-country comparisons of education indicators.²⁸

²⁸ USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

Introduction

Making a Commitment to Eliminate the Worst Forms of Child Labor: Moving From Raising Awareness to Taking Action

In 2000, the ILO estimated that 211 million children ages 5 to 14 years were working around the world.²⁹ The number of children is even higher when children in the worst forms of child labor, such as forced or bonded labor, drug trafficking, armed conflict, commercial sexual exploitation, and other hazardous forms of work, are counted. While the incidence of child labor in both developing and developed countries is great, we can be encouraged that the commitment to eliminate the worst forms of child labor continues to gain even greater momentum across the international community. Since the adoption of ILO Convention 182 on the Worst Forms of Child Labor in June 1999, 133 countries have ratified the convention.³⁰ The awareness generated from the rapid ratification of ILO Convention 182 has resulted in an increase in the number of countries that have ratified ILO Convention 138 on the Minimum Age, adopted in June 1973. To date, a total number of 121 countries have ratified ILO Convention 138, with 45 countries ratifying in the last three years.³¹

Other important international instruments reflective of the commitment to protect children against the worst forms of child labor are the Optional Protocols to the Convention on the Rights of the Child (CRC) adopted by the United Nations General Assembly on May 25, 2000. The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict came into force on

²⁹ ILO-IPEC (SIMPOC), *Every Child Counts: New Global Estimates on Child Labour*, Geneva, April 2002, [cited January 2, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/others/globalest.pdf>. This estimate on the number of working children is based on the definition of the “economically active population,” which restricts the labor force activity of children to “paid” or “unpaid” employment, military personnel, and the unemployed. The definition does not include children in informal work settings, non-economic activities, “hidden” forms of work, or work that is defined by ILO Convention 182 as the worst forms of child labor.

³⁰ ILO, *Ratifications by Convention*, in ILOLEX, [database online] [cited February 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

³¹ Ibid.

January 18, 2002 and February 12, 2002, respectively.³² The Optional Protocols have been signed by approximately 100 countries and ratified by 42 member states.³³

The large number of countries that have ratified ILO conventions on child labor and signed CRC protocols indicates worldwide awareness of children in exploitative situations. However, the true demonstration of a country's commitment to eliminate the worst forms of child labor is in its implementation and enforcement of policies and its efforts to prevent, remove and rehabilitate children at risk of entering or in the worst forms of child labor.

Recent Developments and New Beginnings

In the last year, significant efforts have been made to advance the global campaign against the worst forms of child labor. Many of the country profiles presented in this report show both recent developments in ongoing efforts and new beginnings in government policies and programs to eliminate the worst forms of child labor. Highlighted below are some examples in the last year of ways in which national governments have worked to prevent and remove children from hazardous and exploitative work.

- Currently 82 countries are collaborating with the ILO's International Program on the Elimination of Child Labor with the support of 27 donor countries.³⁴ In addition, the Governments of the **Philippines** and the **Dominican Republic** initiated Time-Bound Programs under ILO-IPEC to eliminate the worst forms of child labor in target sectors in a specified period of time.
- **Thailand's** Central Labor Court awarded almost USD 50,000 in back wages to 33 Burmese persons, 21 of whom were minors, who had been trafficked to a factory in Thailand to work under conditions of forced labor. Under an existing MOU on trafficking victims, the workers

³² United Nations Office of the High Commissioner for Human Rights, *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, General Assembly resolution A/RES/54/263, Geneva, May 25, 2000, [cited January 2, 2003]; available from <http://www.unhchr.ch/html/menu2/dopchild.htm>. See also United Nations Office of the High Commissioner for Human Rights, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, General Assembly resolution A/RES/54/263, Geneva, May 25, 2000, [cited January 2, 2003]; available from <http://www.unhchr.ch/html/menu2/6/protocolchild.htm>. The optional protocol on the sale of children, child prostitution and child pornography prohibits the sale of children, child prostitution and child pornography and provides a non-exhaustive list of activities that shall be criminalized by signatories in order to combat these crimes. See United Nations, *High Commissioner for Human Rights, Chair of Children's Rights Panel Welcome Entry Into Force of Protocol on Sale of Children*, press release, February 18, 2002, [cited January 2, 2003]; available from <http://www.unhchr.ch/huricane/hurricane.nsf/view01/B9BC655B13AE847AC1256B45004C599C?opendocument>. The optional protocol on the involvement of children in armed conflict prohibits the compulsory recruitment of persons under 18 years and the voluntary recruitment of persons under 16 years into the regular armed forces. See United Nations, *High Commissioner for Human Rights Welcomes Entry Into Force of Instrument Against Use of Child Soldiers*, press release, February 12, 2002, [cited January 2, 2003]; available from <http://www.unhchr.ch/huricane/hurricane.nsf/view01/CC37AFC7BC9AE9B8C1256B5E003AE062?opendocument>.

³³ UNICEF, *Optional Protocols to the Convention on the Rights of the Child*, [online] 2002 [cited November 16, 2002]; available from <http://www.unicef.org/crc/oppro.htm>.

³⁴ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, October 2002, 5.

were permitted by government authorities to remain in Thailand for several months, enabling them to testify in the case.³⁵

- The Government of **Poland** and the West African nations of **Benin, Nigeria** and **Togo** are working with the Global Program against Trafficking in Human Beings of the UN Office on Drugs and Crime to strengthen anti-trafficking efforts for women and children. UNODC is providing technical assistance in areas such as research and law enforcement training.
- In the **Czech Republic**, an amendment to the Criminal Code took effect in 2002 that strengthens the prohibitions against trafficking in children, child prostitution and child pornography.³⁶
- During the first eight months of the year, the Ministry of Labor and Employment of **Brazil** strengthened its enforcement of child labor laws and conducted an estimated 19,500 inspections involving cases in which workers were under the age of 18.³⁷
- The Governments of **Côte d'Ivoire, Cameroon, Ghana, Guinea**, and **Nigeria** are participating in ILO-IPEC's West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor. This regional project is being funded jointly by USDOL and the Global Chocolate Industry with counterpart contributions from the West Africa governments.³⁸ In partnership with existing USAID projects in the region, the program aims to strengthen the capacity of the region's governments and NGOs, increase awareness of the hazards of child labor, develop models for withdrawing children from work and providing them with rehabilitation, create a monitoring system and conduct research on child labor.³⁹

Barriers to Implementing Government Commitments to the Worst Forms of Child Labor

While the increase in ratifications of ILO conventions and CRC optional protocols and initiation of programs and strengthening of labor laws are promising, there remain significant gaps in many governments' abilities to implement their commitments to eliminating the worst forms of child labor. Listed below are some of the overall themes from the information gathered in the country profiles.

- **Family poverty** limits the willingness of government ministries to enforce child labor protections.

³⁵ U.S. Embassy- Bangkok, *unclassified telegram no. 6668*, September 20, 2002.

³⁶ U.S. Embassy- Prague, *unclassified telegram no. 2689*, October 2002.

³⁷ U.S. Embassy- Sao Paulo, *unclassified telegram no. 1394*, October 2002.

³⁸ USDOL has committed USD 5 million to the project, and the Global Cocoa Issues Group has committed USD 1 million. See ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, project document, project no. (ILO) RAF/02/P50/USA, Geneva, September 26, 2002.

³⁹ *Ibid.*, 33.

- The **hidden nature of the worst forms of child labor** makes the regulation and prosecution of cases of children involved in forced and bonded labor, commercial sexual exploitation, armed conflict, and other illicit activities difficult. In addition, much of the work that children perform occurs in the **informal sector**, in private homes or on farms, where government ministries find it difficult to enforce restrictions on working ages, hours of work and work in hazardous occupations.
- The **lack of financial and human resources** also inhibits the ability of government ministries to carry out enforcement against the worst forms of child labor.
- **Political instability, complacency and corruption** within governments make good laws and adequate resources ineffective. Some countries make little effort to inspect for child labor law infractions, or impose meager penalties that do little to deter future infractions. There is also evidence that the prosecution of child traffickers is thwarted by government corruption.

Moving Forward

This report calls attention to both the progress that has been made to combat child labor over the past year, as well as improvements that need to be made. While there is more information available and there are more coordinated projects and programs underway, many children are still in need of our attention. It is our hope this report will help to raise awareness on the need to protect children in vulnerable situations so that all children around the world have the opportunity to receive an education and lead productive lives.

Glossary of Terms

Basic Education

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

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

Bonded Labor

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

Bonded labor typically occurs when a person needing a loan and having no security to offer, pledges his/her labor, or that of someone under his/her control, as a security for a loan. The interest on the loan may be so high that it cannot be paid, or the laborer may be deemed to repay the interest on the loan but not the capital. Thus, the loan is inherited and perpetuated, and becomes an inter-generational debt.

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

Source: 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 Convention No. 182: Worst Forms of Child Labor, 1999, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

Child Labor

The definition of child labor used in this report is derived from ILO Convention 138, which states that the minimum age of admission into employment or work in any occupation shall not be less than the age of completion of compulsory schooling or less than fifteen. Based on this definition, child labor is any economic activity performed by a person under the age of 15. The Convention makes an exception to the age limit of 15 years in ILO member countries in which the economy and educational facilities are insufficiently developed. In such circumstances, the minimum age of admission into employment or work in any occupation shall not be less than 14. In these countries, therefore, child labor is any economic activity performed by a person under age 14. It is important to note that the internationally accepted definition of “economic activity” does not generally include children involved in domestic chores within their own household.

In this report, certain economic activities performed by children are considered “light work” rather than “child labor.” The definition of light work used in this report is also derived from ILO Convention 138. The convention considers activities performed by 13 to 15 year-olds that do not harm their health or development and that do not prejudice their attendance at school or

participation in vocational training to be light work. (See definition of “light work.”) Therefore, for the purposes of this report, “child labor” is defined as work that prevents children from attending and participating effectively in school or is performed by children under hazardous conditions that place their healthy physical, intellectual or moral development at risk.

*Source: ILO Convention No. 138: Minimum Age for Admission to Employment, 1973, available from <http://ilolex.ilo.ch:1567/english/convdisp2.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), 1. See also Richard Anker, “The Economics of Child Labour: A Framework for Measurement,” *International Labor Review* (2000), 139, 257-280.*

Commercial Farms

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

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

*Source: 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: CSEC Overview, World Congress Against the Commercial Sexual Exploitation of Children, August 27-31, 1996, U.S. Embassy-Stockholm, available from <http://www.usis.usemb.se/children/csec/overview.html>. See also *UN Convention on the Rights of the Child*, Article 34, available from <http://www.unhchr.ch/html/menu3/b/k2crc.htm>, and *ILO Convention No. 182: Worst Forms of Child Labor*, 1999, available from <http://ilolex.ilo.ch:1567/english/convdisp2.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).

Domestic Servants

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

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

Forced Labor

Forced labor is defined in ILO Convention 29 as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." In practice, it is the enslavement of workers through the threat or use of coercion, and it is primarily found among the most economically vulnerable members of society.

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

Source: *ILO Convention No. 29: Forced Labor, 1930*, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>. See also 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), 4. See also *ILO Convention No. 182: Worst Forms of Child Labor*, 1999, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

Gross Primary Attendance Ratio

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

Source: USAID, “UNESCO Indicator Definitions for GED Online,” available from http://quesdb.cdie.org/ged/un_def.html.

Gross Primary Enrollment Ratio

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

Source: USAID, “UNESCO Indicator Definitions for GED Online,” available from http://quesdb.cdie.org/ged/un_def.html.

Hazardous Work

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

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

ILO Convention 138: Minimum Age for Admission to Employment

ILO Convention 138 serves as the principal standard on child labor. This convention, adopted in 1973 and ratified by 121 nations, provides the basis for the definition of the term “child labor” as any economic activity performed by a person under the age of 15. Signatories of the Convention are required to set a minimum work age standard of 15 years, although exemptions are included which permit countries whose economy and educational facilities are insufficiently developed to initially specify a minimum age of 14 years.

Source: U.S. Department of Labor, “About Child Labor,” available from <http://www.dol.gov/dol/ilab/public/programs/iclp/projects.htm>. Ratifications are as of February 19, 2003. See also *ILO Convention No. 138: Minimum Age for Admission to Employment, 1973*, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

ILO Convention 182: Worst Forms of Child Labor

ILO Convention 182 was adopted in 1999 and has been ratified by 133 nations. It commits ratifying nations to take immediate action to secure the prohibition and elimination of the worst forms of child labor, defined as:

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

Among other actions, ILO Convention 182 requires ratifying nations to: remove children from abusive child labor and provide them with rehabilitation, social reintegration, access to free basic education and vocational training; consult with employer and worker organizations to create appropriate mechanisms to monitor implementation of the Convention; apply the Convention to children under the age of 18; take into account the special vulnerability of girls; and provide assistance and/or cooperate with efforts of other members to implement the Convention.

Source: ILO Convention No. 182: Worst Forms of Child Labor, 1999, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>. See also U.S. Department of Labor, "About Child Labor," available from <http://www.dol.gov/dol/ilab/public/programs/iclp/projects.htm>. Ratifications are as of February 19, 2003.

ILO-IPEC Associated Countries

ILO-IPEC associated countries are countries where ILO-IPEC has initiated projects with the permission of the country's government, but which have not yet signed a Memorandum of Understanding.

Source: ILO-IPEC, "All About IPEC," available from <http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm>.

ILO-IPEC Programme Countries

ILO-IPEC Programme countries are countries that have signed a Memorandum of Understanding with IPEC.

Source: ILO-IPEC, "All About IPEC," available from <http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm>.

Informal Sector

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

Source: ILO, “Informal Sector: Who are they?” [online] 2000; available from: <http://www.ilo.org/public/english/employment/skills/informal/who.htm>. ILO, 15th International Conference of Labor Statisticians (Geneva, Switzerland, January 19-28, 1993) and 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 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.

Source: U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. V: Efforts to Eliminate Child Labor* (Washington, D.C.: USDOL, 1998), 4.

Light Work

Light work is defined in ILO Convention 138 as work that is not likely to harm the health or development of young persons, and not such as to prejudice their attendance at school, their participation in vocational orientation or training programs approved by the competent authority or their capacity to benefit from the instruction received. The Convention stipulates that children 13 to 15 may perform light work, except in instances in which an ILO member’s economy and

educational facilities are insufficiently developed. In such instances, children 12 to 14 may perform light work.

Source: ILO Convention No. 138: Minimum Age for Employment, 1973, Article 3, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

Net Primary Attendance Ratio

The net primary attendance ratio is the percentage of the official primary school age population that attends primary school. This indicator shows the extent of participation in primary schooling among children of primary school age.

Source: USAID, “UNESCO Indicator Definitions for GED Online,” available from http://quesdb.cdie.org/ged/un_def.html.

Net Primary Enrollment Ratio

The net primary enrollment ratio is the enrollment of primary students of the official age expressed as a percentage of the primary school-age population. A high net primary enrollment ratio denotes a high degree of participation of the official school-age population. When compared with the gross primary enrollment ratio, the difference between the two ratios highlights the incidence of under-aged and over-aged enrollment. In many countries the official primary school age group is 6-11 years. The difference in national systems of education should be accounted for when comparing ratios.

Source: USAID, “UNESCO Indicator Definitions for GED Online,” available from http://quesdb.cdie.org/ged/un_def.html.

Primary Education

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

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

Promotion Rate

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

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

Ratification

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

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

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

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

Source: ILO, "Glossary of Terms Related to International Labour Standards," available from <http://www.ilo.org/public/english/standards/norm/sources/glossry.htm>. See also UNICEF, *The Process: From Signature to Ratification*, 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://ilolex.ilo.ch:1567/english/convdisp2.htm>, and *ILO Convention No. 182: Worst Forms of Child Labor, Article 9*, available from <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

Retention Rate

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

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

Time-Bound Program

Time-Bound Programs are implemented through ILO-IPEC and aim to prevent and eliminate all incidences of the worst forms of child labor within a defined period. The objective is to eradicate these forms of child labor within a period of 5-10 years, depending on the magnitude and complexity of child labor in each country.

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

Trafficking of Children

At its most basic, the trafficking of children can be defined as a series of events that includes, *inter alia*, acquiring the children, moving them and exploiting them. In the context of CSEC, the exploitation is taken to mean in commercial sex, although children may also be trafficked into exploitative labor, for example, into begging, military service, domestic sweatshops, industry or agriculture. Children trafficked into such practices are at risk of then being sexually exploited as well.

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

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

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

Worst Forms of Child Labor

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

Albania

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

The Government of Albania has been a member of ILO-IPEC since June 1999. As part of a program launched in February 2001, ILO-IPEC helped establish national institutional mechanisms including a Child Labor National Steering Committee and a Child Labor Unit in the Ministry of Labor and Social Affairs. ILO-IPEC is also working with the government and local organizations to initiate direct action programs to assist children on the streets, children working in agriculture, and victims of child trafficking.⁴⁰

A UNICEF program for Child and Youth Development is working with NGOs, schools and government agencies such as the Ministry of Labor and Social Affairs to protect at-risk children, including street children and victims of trafficking, by providing them educational, legal and other services.⁴¹ In addition, IOM is implementing a counter-trafficking strategy that includes mass information campaigns, return and reintegration programs for victims, and “best practices” training for government personnel and related organizations involved in the counter-trafficking effort.⁴²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 31.7 percent of children ages 5 to 14 years in Albania were working in some capacity.⁴³ Children work on the streets as beggars and vendors, and on farms.⁴⁴ Trafficking of children abroad to prostitution or pedophilia rings in Western Europe remains a serious problem in Albania; one study estimated that 25 percent of Albanian trafficking victims

⁴⁰ IPEC’s country program in Albania aims to build the national capacity of the government to combat child labor, raise awareness of the issue and target an initial group of children for removal and prevention by providing them with education and other social services. See ILO-IPEC, *Albania Fact Sheet*, Geneva, 2002. See also ILO-IPEC, *At a Glance: IPEC’s Technical Cooperation Activities in Europe and Central Asia*, Geneva, 2002.

⁴¹ UNICEF, *Summary of Programs*, [online] [cited September 13, 2002]; available from www.unicef.org/albania/what_we_do/summary.htm.

⁴² International Organization for Migration, *IOM Counter Trafficking Strategy for the Balkans and Neighbouring Countries*, January 2001.

⁴³ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Children work much more in rural areas compared to urban cities, 45 percent and 7 percent respectively. See Government of Albania, *Multiple Indicator Cluster Survey (MICS) Report: Albania*, UNICEF, December 4, 2000, 33, 35 [cited December 26, 2002]; available from www.childinfo.org/MICS2/Gj99306k.htm.

⁴⁴ Altin Hazizaj, *The Vicious Circle: A Report on Child Labour-Albania*, Children’s Human Rights Centre of Albania, Tirana, March 2000, Chapter 8. Children working as street beggars are often ethnic Roma. See Altin Hazizaj, *The Forgotten Children: A Report on the Roma Children’s Rights Situation in Albania*, Children’s Human Rights Centre of Albania, Tirana, April 2000, 11.

were minors.⁴⁵ Boys and girls are also trafficked to Greece and Italy to participate in organized begging rings and forced labor including work in agriculture and construction.⁴⁶ In January 2003, Terre des Hommes reported that the majority of children trafficked to Greece were sent with their family's knowledge, to "get money in Greece," i.e., to work in some capacity. The Terre des Hommes study indicated that the majority of the victims were Egyptian ("Jevgjit") and Roma, Albania's most marginalized communities, possibly representing 95 percent of the affected families.⁴⁷ In 2002, local Albanian press reported several cases of children being sold by their families.⁴⁸ There also have been reports that children are tricked or abducted from families or orphanages and then sold to prostitution or pedophilia rings in Western Europe.⁴⁹ There are no current reports of children working as soldiers, although children allegedly were involved in armed activity in 1997.⁵⁰

Education is compulsory and free for children ages 6 to 14.⁵¹ In 1996, the gross primary enrollment rate was 109.6 percent, and in 1995 the net primary enrollment rate was 101.7 percent.⁵² According to UNICEF, the primary school attendance rate for all children ages 7 to 14

⁴⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Albania*, Washington, D.C., March 4, 2002, 1244-1246, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8219.htm>. Estimates on the number of Albanian children that are victims of trafficking vary. A study published in January 2003 estimates that the majority of street children in various cities in Greece are Albanian. See Terre des Hommes, *The Trafficking of Albanian Children in Greece*, Le Mont sur Lausanne, January 2003, 9-10. A report published in 2001 estimates that 75 percent of trafficking victims from certain rural regions of Albania were children. See Daniel Renton, *Child Trafficking in Albania*, Save the Children, March 2001, 16. In 2000, more than 2,000 children between ages 13 and 18 were reportedly involved in prostitution rings. See U.S. Department of State, *Country Reports- 2001: Albania*, Section 5. Terre des Hommes reports that trafficking of children from Albania to Greece appears to have decreased recently. Terre des Hommes, *The Trafficking of Albanian Children*, 10.

⁴⁶ Children, particularly Gypsy and Roma boys, are trafficked to Greece and Italy for begging and forced labor. See Daniel Renton, *Child Trafficking in Albania*, Save the Children, March 2001, 44-45. See also UNICEF, *Profiting From Abuse: An Investigation into the Sexual Exploitation of our Children*, New York, 2001, 18 [cited December 26, 2002]; available from <http://www.unicef.org/pubsgen/profitng/index.html>.

⁴⁷ Terre des Hommes, *The Trafficking of Albanian Children*, 18.

⁴⁸ U.S. Department of State official, electronic communication to USDOL official, January 2003.

⁴⁹ U.S. Department of State, *Country Reports- 2001: Albania*, Section 5. Girls who are trafficked for prostitution tend to come from the rural and remote mountain areas of Albania, where public awareness about the dangers of trafficking is still very low. Italy is the destination point for the majority of trafficked Albanian children/women. However, large numbers of Albanian children (as many as 4,000) also work as child prostitutes in Greece. See Renton, *Child Trafficking in Albania*, 17-19.

⁵⁰ Coalition to Stop the Use of Child Soldiers, "Albania," in *Child Soldiers Global Report 2001*, 2001, [cited December 26, 2002]; available from <http://www.child-soldiers.org/>.

⁵¹ Economist Intelligence Unit, *Country Profile 2002: Albania*, London, 2002, 17; available from <http://www.eiu.com/>. See also Right to Education, *Right to Education Primers No. 2: International Legal Obligations, Constitutional Guarantees, and Access to International Procedures for Human Rights Violations*, [database online] [cited February 7, 2003]; available from <http://www.right-to-education.org>.

⁵² The available net enrollment statistic is higher than 100 percent, although this is theoretically not possible. The World Bank attributes this abnormality to discrepancies between estimates of the school-age population and reported enrollment data. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

was 90 percent, although this does not preclude children from also working.⁵³ The Ministry of Education and Sciences reported that the drop-out rate between 1999 and 2000 was approximately 3 percent, although local children's groups believe the number is higher.⁵⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years. Minors 14 years of age and older may seek employment during school holidays, but until the age of 18 they are only permitted to work in light jobs, which are determined by the Council of Ministers.⁵⁵ Labor Act No. 7724 prohibits night work by children less than 18 years of age and limits their work to six hours per day.⁵⁶ 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.⁵⁷ The Labor Code also prohibits forced or compulsory labor.⁵⁸ The Criminal Code prohibits prostitution, and the penalty is more severe when a minor girl is solicited for prostitution.⁵⁹ In January 2002, changes to the Criminal Code established penalties for trafficking of minors as well as trafficking of women for prostitution.⁶⁰ Despite a lack of resources, the government is taking steps to combat trafficking.⁶¹ Trafficking prohibitions, however, rarely lead to convictions of traffickers.⁶²

The Government of Albania ratified ILO Convention 138 on February 16, 1998 and ILO Convention 182 on August 2, 2001.⁶³

⁵³ Government of Albania, *MICS 2: Albania*, 20, 41.

⁵⁴ Local organizations report that dropout rates and child trancies are much higher than government reports indicate, although no formal data are available. Interviews of people in rural and urban areas indicate that children leave school for various reasons, such as work and fear for personal safety, including fear of abduction by traffickers. Reports of drop-outs are particularly high among the ethnic Roma minority. See Hazizaj, *The Vicious Circle*, Section 1.2. See also Renton, *Child Trafficking in Albania*.

⁵⁵ The Ministry of Labor may enforce minimum age requirements through the courts, but no recent cases of this actually occurring are known. The employment of children is punishable by a fine, as stated in Article 60 of the Law for Pre-University Education. See U.S. Department of State, *Country Reports- 2001: Albania*, 1246-49, Section 6d. See also Hazizaj, *The Vicious Circle*, Section 6.2.

⁵⁶ Government of Albania, *Act No. 7724*, (June 1993), [cited December 26, 2002]; available from <http://natlex.ilo.org/txt/E93ALB01.htm>.

⁵⁷ Furthermore, Article 54(3) of the Constitution states that "children, the young, pregnant women and new mothers have the right to special protection by the state." The ages of children protected under Article 54(3) are not specified. *Albanian Constitution*, Chapter II, Article 26, and Chapter IV, Article 54(3), [cited October 20, 2002]; available from <http://www.ipls.org/services/constitution/const98/cp2.html>.

⁵⁸ U.S. Department of State, *Country Reports- 2001: Albania*, 1246-49, Section 6d.

⁵⁹ *Albanian Criminal Code*, Article 114, [cited September 13, 2002]; available from <http://www.protectionproject.org>.

⁶⁰ U.S. Department of State, *Country Reports- 2001: Albania*, 1246-49, Section 6f.

⁶¹ U.S. Department of State official, electronic communication, January 2003.

⁶² U.S. Department of State Trafficking in Persons Office official, electronic communication to USDOL official, February 7, 2003. There are very few prosecutions for offenses related to trafficking. Also, victims of prostitution rings are sometimes penalized rather than the perpetrators. See Renton, *Child Trafficking in Albania*, 11-12. See also U.S. Department of State, *Country Reports- 2001: Albania*, 1246-49, Section 6f.

⁶³ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Angola

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

The armed conflict in Angola from 1975 to 2002 severely affected children and limited government spending for social and educational programs.⁶⁴ In 2001, the Government of Angola initiated a national registration system to document the age of children under 18, which is intended to enable military recruiters to adhere to minimum conscription age laws by verifying age documentation and to protect children from trafficking.⁶⁵ In addition, the government created a Juvenile Judicial System to protect the rights of children and to secure their obligations under the law.⁶⁶ In 2002, the Ministry of Social Assistance and Reintegration trained 1,070 child protection monitors who assisted approximately 43,000 children who had been separated from their families. Monitors ensured that the children, some of whom were working children and former child soldiers, were provided food, shelter and schooling, and monitors reunited some children with their families.⁶⁷

In 1994, the Government of Angola and the National Union for the Total Independence of Angola (UNITA) signed the Lusaka Protocol, which gave UNICEF and other organizations the responsibility for the establishment of rehabilitation programs for former child soldiers.⁶⁸ Program activities have included locating relatives, arranging transportation, and reuniting the children with their families. The program also identifies school and job training opportunities for former child soldiers and prepares local communities to accept children who were engaged in armed conflict.⁶⁹ Since the cessation of hostilities in February 2002 and with the cooperation of the government, the International Committee of the Red Cross has increased family reunification efforts, particularly for

⁶⁴ The Government of Angola and UNITA concluded a final peace agreement on November 20, 2002, which may lead to additional resources for improving the critical situation of Angolan children and adolescents. See Government of Angola, *Angolans Complete Implementation of Peace Pact; UN lifts Sanctions*, ReliefWeb, [online] December 31, 2002 [cited February 4, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/ByCountry/Angola?OpenDocument&Start=4.58&ExpandView>.

⁶⁵ U.S. Embassy- Luanda, *unclassified telegram no. 3017*, September 2001. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Angola*, Washington, D.C., June 5, 2002, 23; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. More than 70 percent of children have limited access to health, education, sanitation and nutrition services because they are not registered. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Angola*, Washington, D.C., March 4, 2002, 18-20, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8217.htm>. See also Watch List on Children and Armed Conflict, *Angola: Important Note*, ReliefWeb, [online] April 25, 2002 [cited September 6, 2002], 3; available from <http://www.reliefweb.int/w/rwb.nsf/VID/CE7CF6EEF87D82D785256BD6006B39C0?OpenDocument>.

⁶⁶ Minister for Planning of the Republic of Angola, H.E. Madame Ana Dias Lourenco, Statement at the United Nations Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/angolaE.htm>.

⁶⁷ U.S. Department of State official, electronic communication to USDOL official, February 12, 2003.

⁶⁸ Damien Personnaz, *For Angola's Former Child Soldiers, Peace Brings Uneasy Calm*, UNICEF, [online] 1996 [cited October 3, 2002]; available from <http://www.unicef.org/features/feat171.htm>.

⁶⁹ Coalition to End the Use of Child Soldiers, "Angola," in *Global Report 2001*, [cited August 27, 2002]; available from <http://www.child-soldiers.org/report2001/countries/angola.html>.

children pressed into service by UNITA, including child soldiers. 225 children had been reunited with their families under this program by the end of 2002, and an additional 750 are scheduled to be reunited by June 2003.⁷⁰

The Ministry of Planning has initiated a vocational training and entrepreneurial development program for rural and peri-urban women. The program aims to develop and strengthen families of demobilized soldiers and returning refugees by making credit available for income generating activities and micro-enterprises.⁷¹ The National Children's Institute participated in the creation of a National Plan of Action and Intervention Against the Commercial Sexual Exploitation of Children in Angola.⁷² The World Food Program is implementing a two-year project to increase enrollment and improve attendance in primary schools around the country and to build local capacity to provide school feeding services.⁷³

Incidence and Nature of Child Labor

In 2001, UNICEF estimated that 29.9 percent of children ages 5 to 14 years in Angola were working.⁷⁴ In 2000, it was estimated that there were approximately 24,000 homeless street children living in Angola as a result of the civil conflict.⁷⁵ Many of the girls are at high risk of sexual and other forms of violence.⁷⁶ Other children work in subsistence agriculture, as domestic servants, as street vendors,⁷⁷ and as beggars.⁷⁸ Although both the government and the rebel militia of UNITA used children as soldiers, laborers, porters, camp followers, and sex slaves during the

⁷⁰ U.S. Department of State official, electronic communication, February 12, 2003.

⁷¹ Mary Thomas de Almeida, *Promotion of Micro and Small Scale Industrial and Commercial Enterprises*, The Embassy of the Republic of Angola, Washington, D.C., [cited December 12, 2002]; available from <http://www.angola.org/relief/micro.html>.

⁷² UNICEF, *Relatório de Seguimento das Metas da Cimeira Mundial pela Infância*, December 2000, 17, [cited September 6, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_angola_pt.PDF.

⁷³ The intended beneficiaries are 150,000 basic education students in rural and peri-urban schools with low female enrollment, low pass rates, and high drop-out rates for females. See World Food Programme, *World Hunger- Angola*, online, 2002, [cited September 6, 2002]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=024.

⁷⁴ The average percentage of working girls within this age group was greater (31.1 percent) than that of boys (28.7 percent). Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Government of Angola, *Multiple Indicator Cluster Survey (MICS) Report: Angola*, UNICEF, Luanda, April 2002, [cited September 6, 2002]; available from <http://www.childinfo.org/MICS2/newreports/angola/angola.pdf>.

⁷⁵ The majority of these street children are male. See UNICEF, *Relatório de Seguimento*, 13.

⁷⁶ Ibid.

⁷⁷ U.S. Department of State, *Country Reports- 2001: Angola*, 21-22, Section 6d.

⁷⁸ According to a local NGO in Luanda, about 500 to 1,000 children were working as prostitutes in the capital city. See Ibid., 18-20, Section 5. See also National Journal Group Inc., *Angola: Children Survive War as Scavengers, Prostitutes*, online, UNWire, United Nations Foundation, May 30, 2002, [cited October 3, 2002]; available from http://www.unfoundation.org/unwire//util/display_stories.asp?objid=2898.

civil war, forced recruitment and abductions for forced labor and military service have stopped since the cease-fire agreement was signed in April 2002.⁷⁹

Child trafficking, prostitution, pornography, forced labor, sexual slavery, and other forms of exploitation are reported to exist in the country.⁸⁰ Angola is a country of origin for trafficked children. Children have been trafficked to South Africa to work in the commercial sex industry.⁸¹ In 2002, there were unconfirmed reports that Angolan children may have been trafficked to the United Kingdom via Portugal.⁸²

Education in Angola is compulsory for eight years,⁸³ and it is free of charge, although families are responsible for significant additional fees.⁸⁴ In 1998, the gross primary enrollment rate was 90.7 percent, and the net primary enrollment rate was 57.2 percent.⁸⁵ Roughly 75 percent of children who begin first grade reach the fifth grade,⁸⁶ but only 6 percent of children are enrolled in secondary school.⁸⁷ Girls have less access to education than do boys.⁸⁸ Primary school attendance rates are unavailable for Angola. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁸⁹ It is estimated that children make up roughly 2 million of the displaced population in Angola,⁹⁰ and educational opportunities are extremely limited for displaced children and adolescents.⁹¹ A reported 40 percent of classrooms in Angola have been looted and destroyed, leading to problems of overcrowding. Other factors, such as landmines, lack of resources and identity papers, and poor health further prohibit children from attending school regularly.⁹²

⁷⁹ U.S. Embassy- Luanda, *unclassified telegram no. 2491*, October 2002. In 2001, nearly 7,000 children and adolescents were drafted and recruited, some reportedly by UNITA as young as 10 years old. See Coalition to End the Use of Child Soldiers, "Angola." See also Watch List on Children and Armed Conflict, *Angola*, 2, 11. See also U.S. Department of State, *Country Reports- 2001: Angola*, 18-20, Section 5. See also U.S. Embassy- Luanda, *unclassified telegram no. 3017*.

⁸⁰ Watch List on Children and Armed Conflict, *Angola*. See also U.S. Department of State, *Trafficking in Persons Report: Angola*.

⁸¹ Watch List on Children and Armed Conflict, *Angola*, 10. See also ECPAT International, *Angola*, ECPAT International, [database online] [cited February 13, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁸² U.S. Department of State official, electronic communication, February 12, 2003.

⁸³ UN Commission on Human Rights, *Preliminary Report of the Special Rapporteur on the Right to Education*, prepared by Katarina Tomasevski, 2001, [cited October 3, 2002]; available from <http://www.right-to-education.org/>.

⁸⁴ U.S. Department of State, *Country Reports- 2001: Angola*, 18-20, Section 5.

⁸⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁸⁶ Government of Angola, *MICS2: Angola*, 3.

⁸⁷ U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

⁸⁸ UNICEF, *Relatório de Seguimento*, 16.

⁸⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

⁹⁰ Watch List on Children and Armed Conflict, *Angola*, 1.

⁹¹ *Ibid.*, 7.

⁹² *Ibid.*, 10.

Child Labor Laws and Enforcement

The minimum age for employment in Angola is 14 years. Children between the ages of 14 and 18 are not permitted to work at night, under dangerous conditions, or in activities requiring great physical effort.⁹³ Children under 16 years of age are restricted from working in factories.⁹⁴ Law prohibits forced or bonded labor,⁹⁵ and in 1998 the Angolan Council of Ministers established a minimum conscription age for military service of 17 years.⁹⁶ Trafficking is not prohibited in Angola,⁹⁷ but prostitution and pornography are illegal under the general criminal statute.⁹⁸

The Inspector General of the Ministry of Public Administration, Employment, and Social Security (MPAESS) is responsible for enforcing labor laws.⁹⁹ However, since child labor is considered a family issue in Angola,¹⁰⁰ child labor complaints are filed with the Ministry of Family and Women's Affairs.¹⁰¹ MPAESS maintains employment centers to screen out applicants under age 14. Fines and restitutions are the primary available legal remedies for the enforcement of child labor laws. Individuals may report child labor violations, but there is no standard procedure for this type of investigation,¹⁰² and reports of child labor complaints are rare.¹⁰³

The Government of Angola ratified both ILO Conventions 138 and 182 on June 13, 2001.¹⁰⁴

⁹³ U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Coalition to End the Use of Child Soldiers, "Angola." According to UNICEF, only 5 percent of the births in Angola are registered, which causes problems when verifying children's ages for both military recruitment and school enrollment purposes. See also UNICEF, *A Humanitarian Appeal for Children and Women- Angola*, 2001, 2.

⁹⁷ U.S. Department of State, *Trafficking in Persons Report: Angola*, 23.

⁹⁸ U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

⁹⁹ *Ibid.*

¹⁰⁰ U.S. Department of State, *Country Reports- 2001: Angola*, 21-22, Section 6d.

¹⁰¹ U.S. Embassy- Luanda, *unclassified telegram no. 2491*. Angola's primary law concerning child labor comes from Articles 29-31 of the Constitutional Law of 1992, which guarantee protection of the family and children. U.S. Embassy- Luanda, *unclassified telegram no. 2685*, July 2000.

¹⁰² U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

¹⁰³ U.S. Embassy- Luanda, *unclassified telegram no. 2685*.

¹⁰⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 30, 2001]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Antigua and Barbuda

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

The Government of Antigua and Barbuda has expressed its commitment to conducting research on child labor.¹⁰⁵ Based upon a UNICEF-supported study on the needs of children and families, the government is developing a National Plan of Action on Child Survival, Development, and Protection while simultaneously implementing a public education campaign on child labor through the print and electronic media.¹⁰⁶

In 1991, the Government of Antigua and Barbuda drafted a new educational policy to improve the effectiveness of schooling.¹⁰⁷ Key achievements in terms of education in recent years include ensuring broad-based access to primary education for most children and providing a growing number of pre-primary education facilities for children.¹⁰⁸ The government has employed officers to monitor school attendance and report their findings fortnightly to the Chief Education Officer and Education Officers. Children who are repeatedly absent from school may be placed in foster care, and the parents or guardians of these children may be prosecuted in court.¹⁰⁹ The government plans to improve data collection, monitoring, and assessment systems for education; upgrade school facilities; provide support to improve education efficiency; and make education available to children with special needs, like the growing number of bilingual children in Antigua and Barbuda, children with disabilities, and children in conflict with the law.¹¹⁰

¹⁰⁵ Representatives from Antigua and Barbuda attended the ILO Caribbean Tripartite Meeting on the Worst Forms of Child Labor in December 1999, and based on what was learned at the meeting, they expressed a need to reassess the country's situation with regard to child labor sectors in prostitution and drug trafficking. See U.S. Embassy-Bridgetown, *unclassified telegram 1773*, September 2001. See also Lionel Hurst, Labour Commissioner of the Government of Antigua and Barbuda, letter to USDOL official, October 18, 2001.

¹⁰⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Antigua and Barbuda*, Washington, D.C., March 4, 2002, 2562-63, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8274.htm>. See also UNICEF, *Antigua and Barbuda*, Caribbean Area Office, [online] 2001 [cited August 14, 2002]; available from <http://www.unicef-cao.org/publications/Reports/PromiseToCaribbeanChildren/AntiguaBarbuda.html>.

¹⁰⁷ In 1990 Ministers of Education from the eight member countries that make up the Organization of Eastern Caribbean States (OECS) met and established a regional educational reform agenda. According to the OECS Reform Strategy, areas for reform included education management, teacher and administrator training, and inadequate educational facilities including textbooks and learning materials. UNESCO, *Education for All 2000 Assessment: Country Reports- Antigua and Barbuda*, prepared by Ministry of Education, Youth, Sports and Community Development, pursuant to UN General Assembly Resolution 52/84, 2000, [cited August 27, 2002]; available from http://www2.unesco.org/wef/countryreports/antigua_barbuda/rapport_1.html.

¹⁰⁸ UNICEF, *Antigua and Barbuda*.

¹⁰⁹ UNESCO, *EFA 2000 Report: Antigua and Barbuda*, Analytic Section 2.2.1.

¹¹⁰ UNICEF, *Antigua and Barbuda*. See also UNESCO, *EFA 2000 Report: Antigua and Barbuda*.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Antigua and Barbuda are unavailable, and there is limited information on the incidence and nature of child labor in the country.¹¹¹ In 2002, the Minister of Planning, Implementation, and Public Service Affairs observed that the trafficking of children and women for sexual exploitation had reached alarming levels.¹¹² In 2001, children as young as 13 years old were reportedly involved in an organized prostitution and pornography ring.¹¹³

Education is compulsory and free for children between the ages of 5 and 16 years.¹¹⁴ According to UNICEF, most children enjoy access to primary education, however there are no nationally available enrollment statistics for Antigua and Barbuda.¹¹⁵ The government and UNICEF have reported that Spanish-speaking children, children with disabilities, young mothers,¹¹⁶ and other children with special educational needs, face barriers to accessing primary education.¹¹⁷

Child Labor Laws and Enforcement

The Women, Young Persons and Children Employment Provisions of the Labor Code set the minimum age for employment at 16 years.¹¹⁸ The provisions also establish that children less than

¹¹¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. From general observation, children over twelve years old do engage in part time employment particularly during summer holidays, generally with parental consent and with the right to utilize their earnings independently. See Government of Antigua and Barbuda, *Antigua and Barbuda National Report on Follow Up to the World Summit for Children and Lima Accord*, St. Johns, 2000, 7. According to various sources, there are no reports of child trafficking, forced labor or violations of the laws on the minimum age for employment. See U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2563-64, Section 6d. See also Government of Antigua and Barbuda, *Antigua and Barbuda National Report*, 7.

¹¹² Gaston Browne, Minister of Planning Implementation and Public Service Affairs, Statement at the United Nations Special Session on Children, May 10, 2002.

¹¹³ Given the economy's heavy reliance on tourism, government officials could not rule out the possibility of child prostitution or the involvement of children in drug trafficking. See Hurst, letter dated October 18, 2001. See also U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2562-63, Section 5

¹¹⁴ According to the 1973 Education Act, it is mandatory for government to provide education to children between the ages of five and sixteen years. Thirty of the fifty-five primary schools in Antigua and Barbuda are public schools where schooling is free. The government also provides free textbooks and schooling supplies to private schools through the Board of Education. See UNESCO, *EFA 2000 Report: Antigua and Barbuda*.

¹¹⁵ Government of Antigua and Barbuda, *Antigua and Barbuda National Report*, 13.

¹¹⁶ Between 1990-1999, of 13,170 births nationally, 211 were to girls under 15, and 1391 were to girls under 18. Currently the government is working to provide educational opportunities to young mothers who have dropped out of school, however these efforts have been inadequate. See UNICEF, *Social Policy, Development and Planning: Priorities, National Initiatives and Project Scope*, Caribbean Area Office, [online] [cited November 26, 2001]; available from <http://www.unicef-cao.bb/spdpl.htm>.

¹¹⁷ UNICEF, *Antigua and Barbuda*.

¹¹⁸ *Antigua and Barbuda Labour Code, Division E*, (1975), Sections E3-E5 (3) as cited in Hurst, letter dated October 18, 2001. See also U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2563-64, Section 6.

16 years of age cannot work more than eight hours in a 24-hour time period or during school hours.¹¹⁹ The Constitution prohibits slavery and forced labor.¹²⁰

The Sexual Offences Act of 1995 raised the age of consent in Antigua and Barbuda from 14 to 16 years of age. The Sexual Offences Act also prohibits prostitution, including child prostitution, and makes the offense punishable with a sentence of up to 15 years in prison.¹²¹ There is no comprehensive law prohibiting trafficking in persons; however, existing laws on prostitution and labor provide a legal framework to prosecute individuals for trafficking offenses.¹²²

The Ministry of Labor is required to conduct periodic inspections of workplaces.¹²³ The police and social welfare departments investigate the criminal and social aspects of child labor.¹²⁴ In August 2001, a case implicating high-ranking members of society in a child pornography and prostitution ring was prosecuted in court.¹²⁵ Fines for those arrested were extremely low and some alleged offenders were, reportedly, allowed to leave the country permanently.¹²⁶ Observers claimed that there was an effort to cover up the incidents rather than to prosecute in accordance with existing legislation for the protection of minors.¹²⁷

The Government of Antigua and Barbuda ratified ILO Convention 138 on March 17, 1983 and ILO Convention 182 on September 16, 2002.¹²⁸

¹¹⁹ *Division E, Labor Code*, Section E3-E5 (3).

¹²⁰ *Constitution of Antigua and Barbuda*, Chapter II, Article 6, (1981), [cited October 3, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Antigua/ab81.html>.

¹²¹ *Sexual Offenses Act, Part II*, (1995), [cited October 3, 2002]; available from <http://www.protectionproject.org/vt/2.htm>. See also U.S. Embassy- Bridgetown, *unclassified telegram 1773*.

¹²² U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2563-64, Section 6d. Prostitution and drug trafficking laws establish penalties, including fines, confinement, confiscation of property, or a combination of the three. See U.S. Embassy- Bridgetown, *unclassified telegram 1773*.

¹²³ There is an Inspectorate in the Labor Ministry that handles exploitative child labor matters. U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2563-64, Section 6d.

¹²⁴ Hurst, letter dated October 18, 2001, 3.

¹²⁵ Ibid. See also U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2562-63, Section 5.

¹²⁶ U.S. Department of State, *Country Reports- 2001: Antigua and Barbuda*, 2562-63, Section 5.

¹²⁷ Ibid.

¹²⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.

Argentina

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

The Government of Argentina has been a member of ILO-IPEC since 1996.¹²⁹ In August 2000, a National Commission for the Eradication of Child Labor (CONAETI) was established to evaluate and coordinate efforts to prevent and eradicate child labor with the participation of governmental and nongovernmental organizations and ILO-IPEC. Its activities include legal analysis, the compilation of child labor statistics, and the formation of inter-institutional agreements to initiate projects to prevent and combat child labor. The commission has carried out projects to eradicate child labor among garbage pickers and to prevent child labor through support for schooling and stable family income.¹³⁰ Currently, CONAETI is preparing a national child labor survey with technical assistance from ILO-IPEC's SIMPOC to collect data on working children.¹³¹ The Commission has also coordinated four sectoral agreements with labor organizations and businesses to examine and address child labor issues in the clothing, footwear, agriculture and construction industries. One such agreement in 2001 among CONAETI, the Rural Workers and Stevedores Union of Argentina and the Agrarian Federation of Argentina involved the implementation of programs to discourage exploitative child labor and to promote primary schooling in rural areas.¹³²

With support from ILO-IPEC, the Government of Argentina has engaged in activities to raise awareness on the issue of child labor, strengthen national child labor policies, promote legislative reform, and address child labor in the brick-making sector.¹³³ In 2002, Argentina became a participant in an ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay.¹³⁴

¹²⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited November 13, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*, November 14, 2001.

¹³⁰ ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha Pais: Argentina*, Lima, September 2002, [cited December 12, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichaargentina.doc>. The National Commission established a subcommission to conduct both qualitative and quantitative research and data-collection on child labor, consisting of representatives from the National Institute of Statistics and the Census (INDEC) and the Ministry of Labor, Employment and Social Security. See Ministry of Labor Employment and Social Security, *Trabajo Infantil: Acciones de la Comisión*, [online] June 18, 2002 [cited September 27, 2002]; available from <http://www.trabajo.gov.ar/unidades/trabajoinfantil/acciones.html>.

¹³¹ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹³² U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹³³ ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha Pais: Argentina*.

¹³⁴ The project was initiated in 2001 in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina will be 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.

The National Council for Children and Family, a government organization reporting to the Ministry of Social Development and Environment,¹³⁵ provides technical assistance to ensure that national commitments in regard to children are fulfilled across Argentina's provinces.¹³⁶ Together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, the National Council has developed an action plan for the elimination of child prostitution.¹³⁷

The government is also involved in regional efforts aimed at combating child labor. In 1997, Argentina was a party to the Declaration of Buenos Aires, in which the Mercosur countries (Argentina, Brazil, Paraguay, and Uruguay) and Chile agreed to promote the harmonization of regional laws related to child labor. In 1998, Argentina signed the Social Labor Declaration with the other members of Mercosur, in which signatories pledged to share information on child labor inspection procedures and statistics.¹³⁸ Argentina is also participating in a regional ILO-IPEC initiative to promote the involvement of labor unions in efforts to eradicate child labor.¹³⁹

The Argentine Government is working with international organizations to improve the education system for disadvantaged children and combat child labor. Provincial governments are working with UNICEF to raise awareness of the importance of education and promote family and community involvement in educational design; and provide alternative income opportunities for families of child laborers so they can attend school.¹⁴⁰ UNDP currently funds a program on social and labor problems that includes the eradication of child labor in Argentina as one of its goals.¹⁴¹ In 1997, the government received a loan from the Inter-American Development Bank (IDB) to implement programs assisting youth in low-income families, including the distribution of

¹³⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Argentina*, Washington, D.C., March 4, 2002, 2577-81, Section 5 [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8278.htm>.

¹³⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention*, CRC/C/70/Add.10, United Nations, Geneva, February 26, 2002, 47. For a list of such projects, see Ministry of Social Development, *Consejo Nacional de la Niñez, Adolescencia y Familia*, [online] [cited September 27, 2002]; available from <http://www.desarrollosocial.gov.ar/>.

¹³⁷ U.S. Department of State, *Country Reports- 2001: Argentina*, 2577-81, Section 5.

¹³⁸ ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 5 [cited December 12, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/documentos/folletomercosur.doc>.

¹³⁹ Susana Santomingo, "Una nueva alianza: IPEC y la coordinadora de Centrales sindicales del Cono Sur," *Encuentros*, October 2002, [cited December 12, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/boletin/portada/paraeldialogodos.html>.

¹⁴⁰ UNICEF, *UNICEF da inicio al programa 'Las Familias y las escuelas por la educación'*, [online] [cited August 2, 2002]; available from <http://www.unicef.org/argentina/>. See also UNICEF, *Erradicación del trabajo infantil*, [online] [cited August 2, 2002]; available from http://www.unicef.org/argentina/frameset.php3?strTitulo=UNICEF+Argentina&strNav=menu.php3&strMain=unicefarg_plancoop2.php3.

¹⁴¹ United Nations Development Programme, *Programa de Atención de Problemas Sociolaborales (Proyecto ARG/00/023)*, [online] [cited August 6, 2002]; available from http://www.undp.org.ar/scripts/zope.pcgi/PNUD/proyectos/UIDetallesDeUnProyecto?proyecto=ARG/00/023;_filtro=.

scholarships to reduce the dropout rate among 13 to 19 year olds.¹⁴² The IDB provided a loan to the government in 2001 aimed at supporting the provinces in improving the quality, equity and efficiency of the education system, thereby promoting increased future employment opportunities for young people from poor families.¹⁴³ Argentina has also received funding from the World Bank to reform secondary education both in Buenos Aires and in the provinces.¹⁴⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 2.4 percent of children ages 10 to 14 years in Argentina were working.¹⁴⁵ Children work in agriculture (tea and tobacco), trash recycling, sales, begging, and domestic labor.¹⁴⁶ The commercial sexual exploitation of children is a problem in Argentina.¹⁴⁷ There also have been reports of children being trafficked from rural to urban areas of Argentina and of children being trafficked from Latin American and Asian countries to Argentina for purposes including commercial sexual exploitation.¹⁴⁸ The Bolivian government is investigating the possible trafficking of Bolivian children through Argentina to Europe.¹⁴⁹

¹⁴² Youth at the UN, *Country Profiles on the Situation of Youth- Argentina*, United Nations, [online] [cited September 27, 2002]; available from <http://esa.un.org/socdev/uniyin/country7.asp?countrycode=ar>.

¹⁴³ Inter-American Development Bank, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001, 1 [cited December 12, 2002]; available from <http://www.iadb.org/exr/doc98/apr/ar1345e.pdf>.

¹⁴⁴ World Bank, *Secondary Education Project (03) - Province of Buenos Aires*, [online] [cited August 6, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050714>. See also World Bank, *Buenos Aires Secondary Education Reform Project (02)*, [online] [cited August 6, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P064614>.

¹⁴⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Based on a 2000 government survey, ILO-IPEC estimates that 8.8 percent of 10 to 14 year olds work in Argentina. See ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional*, 7. Local NGOs put that estimate closer to 10 percent. See U.S. Department of State, *Country Reports- 2001: Argentina*, 2581-83, Section 6d. ILO-IPEC has indicated that the number of working children in Argentina increased between 1995 and 2000, and that similar increases between 1997 and 2002 may be related to the country's ongoing recession. See ILO-IPEC, *La OIT celebra el primer 'Día mundial contra el trabajo infantil'*, press release, Buenos Aires, June 11, 2002.

¹⁴⁶ ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional*, 7.

¹⁴⁷ U.S. Department of State, *Country Reports- 2001: Argentina*, 2577-81, Section 5. Children are reportedly engaged in prostitution, sex tourism and trafficking for sexual exploitation in Argentina. See Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, Stockholm, 2000, Section 4.3.

¹⁴⁸ There were also unconfirmed press reports in 2001 that Bolivian children sometimes were sold to sweatshops in Argentina. See U.S. Department of State, *Country Reports- 2001: Argentina*, 2581-83, Section 6f. See also Protection Project, "Argentina," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, 19 [cited December 26, 2002]; available from <http://www.protectionproject.org>.

¹⁴⁹ U.S. Department of State, *Country Reports- 2001: Argentina*, 2581-83, Section 6f.

Education is free¹⁵⁰ and compulsory in Argentina for a minimum of nine years, beginning at age six.¹⁵¹ In 1998, the gross primary enrollment rate was 119.7 percent, and the net primary enrollment rate was 106.8 percent.¹⁵² According to a government survey in 2001, 98.7 percent of children ages 6 to 12 attended school, and 97.5 percent of children ages 13 to 14 attended school.¹⁵³ In 1997, repetition rates for males were higher than those for females.¹⁵⁴

Child Labor Laws and Enforcement

The Law on Labor Contracts (No. 20.744) sets the minimum age for employment at 14 years, but children of legal working age are prohibited from entering employment if they have not completed compulsory education, which normally ends at 15 years.¹⁵⁵ Children who are under the age of 14 may work in businesses where only family members are employed, as long as the work is not dangerous to them.¹⁵⁶ Children between the ages of 14 and 18 are prohibited from working more than six hours a day and 36 hours a week, with certain exceptions for 16 to 18-year-olds, and must present medical certificates that attest to their ability to perform such work.¹⁵⁷ Children under the age of 18 are prohibited from working between the hours of 8 p.m. and 6 a.m. and from engaging in work that could endanger their safety, health or moral integrity.¹⁵⁸ The Constitution prohibits slavery.¹⁵⁹ The Penal Code prohibits the trafficking of children for prostitution.¹⁶⁰

¹⁵⁰ Government of Argentina, *Ley Federal de Educación*, No. 24.195, [cited December 12, 2002]; available from http://www.me.gov.ar/leyfederal/24195_vi.html. ¹⁵¹ U.S. Department of State, *Country Reports- 2001: Argentina*, 2577-81, Section 5.

¹⁵² Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data. World Bank, *World Development Indicators 2002*.

¹⁵³ The data does not distinguish between gross and net attendance rates. See National Council for the Coordination of Social Politics, *Encuesta de Desarrollo Social*, [online] [cited July 17, 2002]; available from <http://www.siempro.gov.ar>.

¹⁵⁴ World Bank, *World Development Indicators 2002*.¹⁵⁵ See Ministry of Labor Employment and Social Security, *Normativa que regula el trabajo infantil*, [online] [cited July 18, 2002]; available from <http://www.trabajo.gov.ar/unidades/trabajoinfantil/normativa.html>. See also Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20,744, (May 13, 1976), Articles 189-95.

¹⁵⁶ See *Ley de Contrato de Trabajo*, Article 189.

¹⁵⁷ Children between ages 16 and 18 can work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. See *Ibid.*, Articles 190-92.

¹⁵⁸ *Ibid.*, Article 190. See also Articles 10 and 11 of the Ley No. 11.317 as cited in Ministry of Labor Employment and Social Security, *Normativa que regula el trabajo infantil*. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹⁵⁹ *Constitution of Argentina*, (1853), [cited December 12, 2002]; available from http://www.oefre.unibe.ch/law/icl/ar00000_.html.

¹⁶⁰ Article 127 of the Penal Code states, “A person who promotes or facilitates the entry into or exit from the country of a woman or minor for the purposes of prostitution shall be punished by detention or a prison term from three to six years.” See Government of Argentina, *Código Penal*, Título III, Article 127 bis. [cited December 12, 2002]; available from <http://www.undp.org/rblac/gender/campaign-spanish/argentina.htm>.

In January of 2000, the government enacted a federal law that establishes a unified regime of sanctions for the infringement of labor laws, but child labor laws are still enforced on a provincial or local basis. Violators of underage employment laws can receive a fine of USD 1,000 to 5,000, but penalties are not consistent from province to province.¹⁶¹

The Government of Argentina ratified ILO Convention 138 on November 11, 1996 and ILO Convention 182 on February 5, 2001.¹⁶²

¹⁶¹ This law replaced provincial laws previously in effect. See U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹⁶² ILO, *Ratifications by Country*, ILOLEX, [database online] [cited September 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Armenia

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

In June 2001, the Government of Armenia established a National Commission tasked with developing a National Plan of Action for children's rights. The commission has begun consultations to consider existing laws relating to human rights, disadvantaged children, education, and health issues.¹⁶³ In October 2002, the Government of Armenia established an Interagency Commission on Human Trafficking to coordinate anti-trafficking activities in the country.¹⁶⁴

Since June 2000, the Organization for Security and Cooperation in Europe (OSCE) Yerevan Office has assembled and distributed an information pack on the subject of anti-trafficking, including policy and legislative documents.¹⁶⁵ To facilitate government efforts against trafficking, the OSCE has developed a matrix that outlines all ongoing and planned anti-trafficking activities by NGO's and international organizations.¹⁶⁶ The World Bank is currently implementing the Second Social Investment Fund Project, which is upgrading schools, repairing school heating systems, and funding furniture purchases for schools, as well as other community development activities.¹⁶⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Armenia are unavailable.¹⁶⁸ However, there are reports that children are working in family businesses and on family farms, which is not forbidden by law.¹⁶⁹ Additionally, children in the streets of Yerevan can be observed, often during school hours, selling newspapers and flowers.¹⁷⁰ Conscription of minors

¹⁶³ Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*, Embassy of the Republic of Armenia, Washington D.C., October 24, 2001.

¹⁶⁴ Organization for Security and Cooperation in Europe Yerevan Office official, electronic communication to USDOL official, February 20, 2003.

¹⁶⁵ Organization for Security and Cooperation in Europe, *Joint study on trafficking in human beings published in Armenia*, [Online News Service] November 14, 2001 [cited July 15, 2002]; available from http://www.osce.org/news/generate.php3?news_id=2143.

¹⁶⁶ OSCE Yerevan Office official, electronic communication, February 20, 2003.

¹⁶⁷ World Bank, *Project Appraisal Document: Second Social Investment Fund Project - Armenia*, [Website] April 18, 2000 [cited August 8, 2002]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_00042805302426.

¹⁶⁸ World Bank, *World Development Indicators* [CD-ROM], Washington D.C., 2002.

¹⁶⁹ By Armenian law and custom, children working in family-run small businesses (including farms) are considered to be doing chores. U.S. Embassy—Yerevan, *unclassified telegram no. 2213*, August 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, U.S. Department of State, Washington D.C., March 2002, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8221.htm>.

¹⁷⁰ Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*.

into the armed forces is also reported to be of special concern.¹⁷¹ A report by the IOM and OSCE in 2001 found that women and children are trafficked from Armenia to Turkey and the United Arab Emirates, often to work in the sex trade.¹⁷²

Primary and secondary education is free for all children and compulsory until the age of 14.¹⁷³ The gross primary enrollment rate was 87.4 percent in 1996.¹⁷⁴ Primary school attendance rates are unavailable for Armenia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷⁵ Dropout, retention, and absenteeism rates remain high in Armenia; possibly as a result of the high number of non-native Armenian-speaking students and the requirement that all classes must be taught in the Armenian language.¹⁷⁶ Access to education in rural areas remains poor.¹⁷⁷ Agricultural responsibilities take precedence over school in rural areas, and children work in the fields during harvest season leading to prolonged absence from school.¹⁷⁸

Child Labor Laws and Enforcement

The Labor Code of 1996 prohibits the employment of children under the age of 16, except in rare cases when a child of 15 years can work in non-dangerous labor situations, with the consent of his/her parents and/or of the labor union of the organization.¹⁷⁹ Children under the age of 18 are prohibited from working in "harmful or hazardous" conditions, such as underground work, and may not work overtime, on holidays, or at night.¹⁸⁰ Additionally, children may not work in employment activities that may compromise their health, physical, or mental development, or interfere with their education.¹⁸¹ UN officials raised concerns regarding disparities between the Labor Code and the

¹⁷¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Armenia*, CRC/C/15/Add.119, United Nations, February 2000, para. 48.

¹⁷² International Organization for Migration, *Trafficking in Women and Children from the Republic of Armenia: A Study*, International Organization for Migration, Yerevan, 2001, 11. See also U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 6f.

¹⁷³ U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 5.

¹⁷⁴ World Bank, *World Development Indicators*.

¹⁷⁵ For a more detailed description on the relationship between education statistics and work, see the *Introduction* to this report.

¹⁷⁶ Because of the serious economic problems, an increasing number of Armenian as well as minority students are leaving school early to work to help support their families. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 44. See also U.S. Embassy—Yerevan, *unclassified telegram no. 2213*.

¹⁷⁷ UN Committee on the Rights of the Child, *Concluding Observations*, para. 44.

¹⁷⁸ Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*.

¹⁷⁹ *Ibid.*, Articles 19, 198.1.

¹⁸⁰ Workers between the ages of 16-18 must have a shorter workday and cannot work more than 36 hours per week, according to the Labor Code (children between the ages of 15 and 16 can only work 24 hours per week). The government maintains a list of "hazardous and harmful" jobs in which children are not allowed to work. See *Ibid.*, Labor Codes, 200, 02, 15.

¹⁸¹ U.S. Embassy—Yerevan, *unclassified telegram no. 2213*.

Armenian Civil Code.¹⁸² According to Article 13 of the Civil Code, minors under the age of 15 are required to obtain a parent's consent in order to engage in employment contracts, but this consent is not required for children to engage in small contracts relating to everyday matters.¹⁸³ The Constitution and the 1992 Law on Employment prohibit forced labor by children.¹⁸⁴ The Armenian Administrative Code makes prostitution illegal and punishable by fine.¹⁸⁵ Armenian laws do not prohibit trafficking in persons specifically, however kidnapping is prohibited and is punishable by imprisonment of 5 to 12 years.¹⁸⁶

The Ministry of Welfare and the National Police are responsible for monitoring and enforcing child labor laws. There are no reports of child labor complaints being investigated since at least 1994.¹⁸⁷ Armenia is a member of the ILO but has not ratified either ILO Convention 138 or ILO Convention 182.¹⁸⁸

¹⁸² UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

¹⁸³ This legal loophole would explain why children under the age of 15 may legally work in family businesses, such as agriculture. See Committee on the Rights of the Child, *Consideration of Reports Submitted by the States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1995, Addendum: Armenia*, CRC/C/28/Add.9, United Nations, July 1997, Paragraph 9. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

¹⁸⁴ U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 6c.

¹⁸⁵ International Organization for Migration, *Trafficking in Women and Children from the Republic of Armenia: A Study*, 34.

¹⁸⁶ Traffickers of women and children can be prosecuted under different articles of the Criminal Code. See U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 6f. International Organization for Migration, *Trafficking in Women and Children from the Republic of Armenia: A Study*, 34.

¹⁸⁷ If a complaint alleging child labor abuse is brought to the attention of the Ministry of Labor, an agent in the Ministry may investigate or turn the case over to the National Police. Family-run businesses may not be monitored as closely because of legal and cultural reasons. In this context, exploitation of children by a child's family may not be reported. See U.S. Embassy—Yerevan, *unclassified telegram no. 2213*.

¹⁸⁸ ILOLEX, *Database of International Labor Standards*, [Database] September 29, 2002 [cited September 30, 2002]; available from <http://ilolex.ilo.ch:1567/english/docs/declworld.htm>.

Bahamas

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

The Government of the Bahamas is an associated country of ILO-IPEC.¹⁸⁹ In 1992, the Government of the Bahamas announced a five-year education development plan and in 1993 commissioned a federal task force on education.¹⁹⁰ The goals of the education plan included improved access to and increased investment in primary education; and public expenditures on education increased throughout the 1990's from 15.6 percent of the national budget in 1991 to 21.7 percent of the national budget in 1997.¹⁹¹ This increase financed the construction of six new primary schools between 1992 and 1999, higher teacher salaries and investment in equipment.¹⁹²

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in the Bahamas are unavailable.¹⁹³ Some children work part-time in light industry and service jobs.¹⁹⁴

Education is compulsory and free for children through age 16.¹⁹⁵ In 1998, the gross primary enrollment rate was 93.2 percent and the net primary enrollment rate was 87.3 percent.¹⁹⁶ Primary school attendance rates are unavailable for the Bahamas. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁹⁷ Notwithstanding these efforts, the level of curriculum mastery for a significant number of students fell below the expected norm throughout the 1990s.¹⁹⁸

¹⁸⁹ ILO-IPEC, *IPEC Action Against Child Labor: Highlights 2002*, Geneva, October 2002, 16.

¹⁹⁰ UNESCO, *Education for All 2000 Assessment: Country Reports- Bahamas*, prepared by The College of the Bahamas- Research Planning & Development, pursuant to UN General Assembly Resolution 52/84, December 12, 1997, [cited December 12, 2002]; available from <http://www2.unesco.org/wef/countryreports/bahamas/contents.html>.

¹⁹¹ Ibid.

¹⁹² Teacher qualifications and teacher certifications have also increased over this period. Ibid.

¹⁹³ Labor force statistics in the Bahamas are not collected on the population under 15 years of age. ILO, *Laborstat Database of Labor Statistics*, [database online] [cited December 4, 2002]; available from <http://laborsta.ilo.org>.

¹⁹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bahamas*, Washington, D.C., March 4, 2002, [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8284.htm>.

¹⁹⁵ Ibid., 2588-89, Section 5. See also Bahamas 2000 Ltd., *Welcome to the Bahamas: Education*, TheBahamasGuide.com, [online] 2000 [cited December 3, 2002]; available from <http://www.thebahamasguide.com/facts/education.html>.

¹⁹⁶ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. UNESCO reports a gross primary enrollment rate ranging from 97.4 percent in 1990 to 99.2 percent in 1997, and a net primary enrollment rate ranging from 96.7 percent in 1990 to 99.2 percent in 1997. UNESCO, *EFA 2000 Report: Bahamas*.

¹⁹⁷ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁹⁸ UNESCO, *EFA 2000 Report: Bahamas*, Section 4.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 14 years for industrial work or work during school hours. Children under age 16 may not work at night. There is no legal minimum age for employment in other sectors, and the Constitution prohibits forced or compulsory labor.¹⁹⁹

The Ministry of Labor is responsible for enforcing labor laws and its inspectors conduct on-site visits; however, inspections occur infrequently and are normally announced to the employer in advance.²⁰⁰ There are no laws that specifically address trafficking in persons. The Penal Code bans prostitution and prohibits the detention of persons against their will and for immoral purposes. As of 2001, there were no reports of trafficking, and the government had not prosecuted any trafficking cases.²⁰¹

The Government of the Bahamas ratified ILO Convention 138 on October 31, 2001, and ILO Convention 182 on June 14, 2001.²⁰²

¹⁹⁹ *The Bahamas Independence Order*, No. 1080, (July 10, 1973), Chapter III, Section 18 [cited December 12, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Bahamas/bah73.html>.

²⁰⁰ U.S. Department of State, *Country Reports- 2001: Bahamas*, 2589-90, Section 6e.

²⁰¹ *Ibid.*, 2589-90, Section 6f.

²⁰² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 11, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Bahrain

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

The Government of Bahrain is in the process of drafting new labor legislation that is intended to bring the country into full compliance with ILO Convention 182.²⁰³ In conjunction with this, a national action plan has been developed to help implement the Convention.²⁰⁴ The government has also established educational training programs for school drop-outs.²⁰⁵

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Bahrain are unavailable. Children work in family businesses and in the informal sector as car washers, vendors²⁰⁶ and porters.²⁰⁷ Child trafficking is a problem throughout the Middle East and the Gulf States, although there are no official confirmations of such activities in Bahrain.²⁰⁸

Primary education is compulsory and free under the Constitution and generally lasts until the age of 12 or 13.²⁰⁹ In 1998, the gross primary enrollment rate was 104 percent, and the net primary enrollment rate was 97 percent.²¹⁰ Primary school attendance rates are unavailable for Bahrain. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹¹ Bahrain's Shura Council approved a draft Education Law on

²⁰³ U.S. Embassy- Manama, *unclassified telegram no. 3448*, October 2001.

²⁰⁴ Ibid.

²⁰⁵ ILO, *Review of Annual Reports- The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, Geneva, March 2002, 212.

²⁰⁶ U.S. Embassy- Manama, *unclassified telegram no. 2602*, June 2000.

²⁰⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bahrain*, Washington, D.C., March 4, 2002, 2013-16, Section 6d [cited December 19, 02]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8246.htm>.

²⁰⁸ Ibid., 2013-16, Section 6f. See also UN Commission on Human Rights, *Report of the Special Rapporteur on Violence Against Women*, E/CN.4/2000/68, Geneva, February 2000. See also Protection Project, "Bahrain," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited July 25, 2002]; available from <http://www.protectionproject.org>. See also Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, Stockholm, 1996.

²⁰⁹ *Constitution of the State of Bahrain*, (December 6, 1973), Article 7(a) [cited July 25, 2002]; available from http://www.oefre.unibe.ch/law/icl/ba00000_.html. See also U.S. Department of State, *Country Reports- 2001: Bahrain*, 2011-13, Section 5.

²¹⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²¹¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

October 9, 2001, that will enforce the compulsory aspect of education by imposing fines on parents of students who fail to attend school.²¹²

Child Labor Laws and Enforcement

The Labor Law of 1976 establishes 14 years as the minimum age for employment. According to the Labor Law, juveniles between the ages of 14 and 16 may not be employed in hazardous conditions, at night, or for more than six hours per day.²¹³ The Ministry of Labor and Social Affairs has inspectors to enforce legislation in the industrial sector, and reports indicate that the mechanisms in place are effective.²¹⁴ Labor laws do not apply to child domestic workers.²¹⁵ Forced or compulsory child labor is prohibited by the Constitution.²¹⁶ Prostitution is illegal under the Penal Code, and there are increased penalties for offenses involving a child less than 18 years of age.²¹⁷

The Government of Bahrain has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 23, 2001.²¹⁸

²¹² U.S. Embassy- Manama, *unclassified telegram no. 3448*.

²¹³ Order No. 6/1979 on the Employment of Juveniles has an extensive listing of occupations and working conditions that are considered “hazardous” and thereby forbidden for children between ages 14 and 16. In addition, according to the U.S. Department of State, employment of juveniles is strictly regulated. See *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), [cited December 12, 2002]; available from <http://www.bah-molsa.com/english/c7.htm>. See also U.S. Embassy- Manama, *unclassified telegram no. 3448*.

²¹⁴ U.S. Department of State, *Country Reports- 2001: Bahrain*, 2013-16, Section 6d.

²¹⁵ There are no available statistics on the numbers of domestic child laborers and servants. Also, laws are intended to protect Bahraini citizens, and there is no reliable way to monitor or control working conditions for foreign or illegal workers. *Ibid.*, 2013-16, Section 6c.

²¹⁶ *Constitution of Bahrain*, Article 13(c).

²¹⁷ The Penal Code prohibits solicitation for the purposes of prostitution, enticing a person to commit acts of immorality or prostitution, living off the profits from prostitution, and establishing a brothel. Punishments range from 2 to 10 years of imprisonment depending on the crime and the age of the victim. Bahraini authorities actively enforce the laws against prostitution, and violators are dealt with harshly and can be imprisoned or, if brought against a non-citizen, deported. In some cases, authorities reportedly return children arrested for prostitution and other nonpolitical crimes to their families rather than prosecute them, especially for the first offense. See Penal Code of Bahrain, Articles 324-329, as cited in Protection Project, “Bahrain.” See also U.S. Department of State, *Country Reports- 2001: Bahrain*, 2011-13, Section 5.

²¹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 25, 2002]; available from <http://ilolex.ilo.ch:1567/newratframeE.htm>.

Bangladesh

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

The Government of Bangladesh has been a member of ILO-IPEC since 1994.²¹⁹ The ILO-IPEC program in Bangladesh has implemented many action programs targeting the worst forms of child labor through awareness raising, education opportunities for children, income generating alternatives for families, and capacity building of partner organizations.²²⁰ These programs include USDOL-funded projects to eliminate child labor in the garment sector and in five hazardous industries, including *bidis*,²²¹ construction, leather tanneries, matches, and domestic service.²²² In 2000, USDOL also provided funding for a second national child labor survey, which will be conducted in 2002 – 2003 by the Bangladesh Bureau of Statistics with technical assistance from ILO-IPEC's SIMPOC.²²³

Bangladesh is one of three countries included in the USDOL-funded ILO-IPEC South Asia Sub-Regional Programme to Combat Trafficking in Children for Exploitative Employment.²²⁴ The Bangladesh Ministry of Labor, with the support of USAID, is implementing projects to combat child labor in selected hazardous industries including printing and bookbinding, welding, weaving, and fisheries.²²⁵ In April 2000, the Government of Bangladesh began a stipend program that

²¹⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 7, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²²⁰ ILO, *The Effective Abolition of Child Labour*, Geneva, 2001, 215 [cited September 5, 2002]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

²²¹ A *bidi* is a type of small, hand-rolled cigarette.

²²² In 2000, IPEC initiated a project targeting child labor in five hazardous industries. In addition, in 1995 and again in 2000, the Bangladesh Garment Manufacturers' Association, the ILO, and UNICEF signed Memoranda of Understanding (MOUs) aimed at eliminating child labor in the garment industry. ILO-IPEC, *Preventing and Eliminating the Worst Forms of Child Labor in Selected Formal and Informal Sectors*, project proposal, BGD/00/P50/USA, Geneva, August 2000, front page. See also ILO-IPEC, *Continuing the Child Labour Monitoring and Education Components, and Prepare for the Integration into a Broader Project in the Garment Export Industry in Bangladesh*, project proposal, Geneva, March 2001, 2. See also *The Second Memorandum of Understanding (MOU-2) Between the Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA), ILO, and UNICEF Regarding the Monitoring To Keep Garment Factories Child Labour Free, the Education Programme for Child Workers, and the Elimination of Child Labour*, Geneva, June 16, 2000.

²²³ ILO-IPEC, *Preventing and Eliminating the Worst Forms of Child Labour in Selected Formal and Informal Sectors in Bangladesh: SIMPOC Status Report No. 7*, BGD/00/P50/USA, Geneva, 2000, Section 2.4.5. The first child labor survey was conducted in 1995 by the Bangladesh Bureau of Statistics. See Bangladesh Bureau of Statistics, *Report on National Sample Survey of Child Labour in Bangladesh, 1995-1996*, ILO-IPEC, Dhaka, October 1996.

²²⁴ ILO-IPEC, *South-Asian Sub-Regional Programme To Combat Trafficking in Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka*, technical progress report, RAS/00/05/010, February 2000.

²²⁵ ILO, *The Effective Abolition of Child Labour*, 216.

provides 20 taka (USD 0.36) per month to mothers of poor households as an incentive to send their children to school.²²⁶

With the support of UNICEF and ILO-IPEC, the government drafted the National Plan of Action on Trafficking and Sexual Exploitation of Children in early 2001.²²⁷ With assistance from the Government of Norway, the Ministry of Women and Children's Welfare is implementing a three-year project to reduce child trafficking in Bangladesh by strengthening local capacity and training law enforcement officers.²²⁸ The Department of Social Services, under the Ministry of Welfare, is also implementing a project for socially disadvantaged women and children that assists victims of commercial sexual exploitation.²²⁹ In January 2002, Bangladesh signed the Convention on Prevention and Combating Trafficking in Women and Children for Prostitution with other South Asian Association for Regional Cooperation countries.²³⁰

As part of its Country Program 2001–2005, the World Food Program provides fortified snacks to children in state schools in poor areas not serviced by other programs.²³¹ The government also collaborates with UNICEF on the Basic Education for Hard to Reach Urban Children's Project that provides two-year basic literacy education to over 350,000 working children living in poor, urban areas.²³² A second National Plan of Action for Children (1997 – 2002) was approved by the cabinet in January 1999 and made public in September that same year. The Plan addresses issues including primary and secondary education, health, nutrition and children in need of special protection.²³³ However, it is reported that the Plan is currently inactive.²³⁴

²²⁶ Delwar Hossain, Deputy Chief of Planning, Primary and Mass Education Division, Ministry of Education, interview with USDOL official, June 25, 2001. For currency conversion see FX Converter, [online] [cited January 29, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²²⁷ ECPAT International, *Bangladesh*, in ECPAT International, [database online] 2002 [cited September 9, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Bangladesh*, Washington, D.C., June 5, 2002, 27 [cited November 7, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

²²⁸ As part of this program, a National Taskforce for Anti-Child Trafficking was formed with public and private participation. See U.S. Department of State, *Trafficking in Persons Report: Bangladesh*, 27. See also ECPAT International, *Bangladesh*.

²²⁹ Murari Mohan Datta, "Trafficking of Children for Labor and Sexual Exploitation- Country Paper: Bangladesh" (paper presented at the ILO-Japan Asian Meeting on the Trafficking of Children for Labor and Sexual Exploitation, Manila, 2001).

²³⁰ U.S. Department of State, *Trafficking in Persons Report: Bangladesh*, 27.

²³¹ The World Food Programme, *World Hunger- Bangladesh*, [online] 2002 [cited September 6, 2002]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=050.

²³² Ruby Noble, "Basic Education for Hard to Reach Urban Children's Project: An Overview" (paper presented at the Child Labor and the Globalizing Economy: Lessons from Asia/Pacific Countries, Stanford University, February 7-9, 2001), [cited November 6, 2001]; available from <http://www.childlabor.org/frames.html>.

²³³ Ministry of Women and Children Affairs, *National Report on Follow-up to the World Summit for Children*, Government of the People's Republic of Bangladesh, December 2000, Section 1.b. [cited September 3, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_bangladesh_en.PDF.

²³⁴ ILO-IPEC, *Preventing and Eliminating Worst Forms of Child Labor in Selected Formal and Informal Sectors: Technical Progress Report #8*, BGD/00/P50/USA, Geneva, September 2002.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 27.7 percent of children ages 10 to 14 years in Bangladesh were working.²³⁵ Children are frequently found working in the agricultural sector²³⁶ and in the informal sector.²³⁷ Children are found working in a variety of hazardous occupations and sectors, including *bidi* factories, construction, tanneries, and the seafood and garment industries.²³⁸ There are over 12,000 children working in hazardous conditions throughout the city of Dhaka.²³⁹ Children also work as domestic servants, porters, and street vendors,²⁴⁰ and are sexually exploited as prostitutes.²⁴¹ In addition, many children are also reported to be involved with criminal gangs engaged in arms and drug trading, toll collection and smuggling.²⁴²

Children from Bangladesh are trafficked internationally for purposes of bonded labor, domestic service and sexual exploitation.²⁴³ UNICEF estimates that 4,500 children from Bangladesh are trafficked to Pakistan each year.²⁴⁴ India is another common destination for trafficked children and the lack of enforcement at the border facilitates illegal border crossings.²⁴⁵ Trafficking also takes place from rural areas of Bangladesh to its larger cities, and to countries in the Gulf region and the Middle East.²⁴⁶ Young boys have been trafficked to the United Arab Emirates (UAE) and Qatar to

²³⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³⁶ ILO, *The Effective Abolition of Child Labour*, “Education to Combat Abusive Child Labor” at Education Overview.

²³⁷ Ministry of Women and Children Affairs, *National Report on Follow-up to the World Summit for Children*, 4.d. “Status of Girls and Women”.

²³⁸ For the complete list of 47 sectors see Dr. Wahidur Rahman, *Hazardous Child Labor in Bangladesh*, Bangladesh Department of Labor and ILO, Dhaka, 1996, 3, 4.

²³⁹ UN Wire, *Bangladesh: ILO Discovers “Extreme Forms” of Child Labor in Dhaka*, United Nations Foundation, [online] February 11, 2002 [cited September 9, 2002]; available from <http://www.unfoundation.org/unwire/2002/02/11/current.asp#23743>. See also The Independent, *Extreme Forms of Child Labour Prevails in Dhaka City: ILO*, (Internet Edition), February 11, 2002 [cited September 9, 2002]; available from <http://independent-bangladesh.com/news/feb/11/11022002.htm>.

²⁴⁰ Dr. Wahidur Rahman, *Child Labour Situation in Bangladesh: Rapid Assessment*, ILO in collaboration with UNICEF, ix, 23.

²⁴¹ *Ibid.*, xi.

²⁴² Coalition to Stop the Use of Child Soldiers, “Bangladesh,” in *Child Soldiers Global Report 2001*, 2001, “Related Issues” [cited October 8, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/2ae11e4be2fe652f80256ae80037e325?OpenDocument>.

²⁴³ U.S. Department of State, *Trafficking in Persons Report: Bangladesh*, 27.

²⁴⁴ ECPAT International, *Bangladesh*.

²⁴⁵ *Ibid.*

²⁴⁶ U.S. Department of State, *Trafficking in Persons Report: Bangladesh*, 27.

work as camel jockeys.²⁴⁷ However, in 2002, the Government of the UAE made progress in stemming the trafficking of children to the country.²⁴⁸

In 1991, the Government of Bangladesh made primary education compulsory for children between the ages of 6 and 10.²⁴⁹ Bangladesh has achieved gender parity in primary school enrollment.²⁵⁰ In 1998, the gross primary enrollment rate was 96.5 percent, and the net primary enrollment rate was 81.4 percent.²⁵¹ Primary school attendance rates are unavailable for Bangladesh. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁵² The quality of primary education in Bangladesh is poor, in part due to inadequate teaching hours, high pupil-to-teacher ratio, and a lack of physical facilities.²⁵³ Basic competency surveys reveal that only one-half of children who complete primary schools in Bangladesh achieve a minimum basic education level.²⁵⁴

Child Labor Laws and Enforcement

The minimum age for employment varies according to sector. The Employment of Children Act prohibits children less than 12 years of age from working in the tanning, *bidi*, carpet, cloth, cement, and fireworks manufacturing sectors. The Act also prohibits children less than 15 years old from working in railways.²⁵⁵ The Mines Act prohibits children under 15 years old from working in

²⁴⁷ Ibid. See also Dr. Mohamed Y. Mattar, "Trafficking in Persons: The Case of the Middle East" (paper presented at the Conference on Combating Human Trafficking: Key Approaches, Woodrow Wilson International Center for Scholars, January 6, 2003); available from <http://www.protectionproject.org/main1.htm>. See also ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, RAS/02/P51/USA, Geneva, September 26, 2002, 15. See also Mike Wooldridge, *The Seamy Side of Camel Racing*, BBC News, [online] April 17, 1998 [cited November 8, 2001]; available from <http://news.bbc.co.uk/2/hi/despatches/79504.stm>.

²⁴⁸ Efforts include a decision to ban jockeys below 15 years of age and weighing less than 45 kg (99 lbs.); a requirement that youth undergo various forms of medical testing to determine if they are of age to race; and humane repatriation initiatives. See Xinhua News Agency, *UAE: UAE Decision to Help Stop Smuggling of Bangladeshi Children*, The Protection Project Daily News Archives, [online] August 1, 2002 [cited October 8, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also IOM, *Bangladesh- Child Camel Jockey Repatriation*, August 20, 2002. See also U.S. Department of State official, electronic communication to USDOL official, March 5, 2003. There is limited information on the efforts by the Government of Qatar to combat trafficking.

²⁴⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bangladesh*, Washington, D.C., 2002, 2387-92, Section 5 [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8224.htm>.

²⁵⁰ UNICEF, *Country Profiles: Bangladesh*, [online] [cited September 9, 2002]; available from <http://www.unicef.org/programme/countryprog/rosa/bangladesh/mainmenu.htm>.

²⁵¹ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

²⁵² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁵³ Ministry of Women and Children Affairs, *National Report on Follow-up to the World Summit for Children*, 4.f. (vi). "Early Childhood Care and Development, Basic and Vocational Training" at Proximate Determinants.

²⁵⁴ UNICEF, *Country Profiles: Bangladesh*.

²⁵⁵ Government of Bangladesh, *The Employment of Children Act No. XXVI (as modified by Act LIII of 1974)*, (1938), [cited October 8, 2002]; available from <http://natlex.ilo.org/txt/E38BGD01.htm>.

mines.²⁵⁶ The Factories Act and Factories Rules establish 14 years as the minimum age for employment in factories,²⁵⁷ and the Children's Act of 1974 prohibits the employment of children less than 16 years as beggars and in brothels.²⁵⁸ There are no specific laws covering the informal sectors, such as agriculture and domestic work, although the majority of child workers fall under these categories.²⁵⁹ The Constitution forbids all forms of forced labor.²⁶⁰ The Suppression of Immoral Traffic Act prohibits importing females for the purposes of prostitution. The Oppression of Women and Children Act of 1995 prohibits the trafficking of women and girls, and the selling or hiring of girls less than 18 years for prostitution.²⁶¹ The legal definition of prostitution does not account for males, so the government does not address the growing problem of boy child prostitution.²⁶²

The Ministry of Labor and Employment is designated to enforce labor legislation; however, there are no penalties for breaking child labor laws. Due to a lack of manpower, child labor laws are seldom enforced outside of the garment export industry.²⁶³ The National Children's Council monitors the implementation of the Convention on the Rights of the Child²⁶⁴ and is the highest authority for overall policy guidance on child development.²⁶⁵ Government officials have arrested, prosecuted and assigned prison sentences to some traffickers.²⁶⁶

The Government of Bangladesh has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 12, 2001.²⁶⁷

²⁵⁶ U.S. Embassy- Dhaka, *unclassified telegram no. 2999*, December 2000.

²⁵⁷ Government of Bangladesh, *The Factories Rules*, Article 76, (1979), [cited October 8, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. See also Government of Bangladesh, *Factories Act, 1965 (No. 4 of 1965)*, (1965), [cited October 8, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁵⁸ U.S. Embassy- Dhaka, *unclassified telegram no. 2999*. See also ILO-IPEC, *South-Asian Sub-Regional Programme, technical progress report*.

²⁵⁹ U.S. Embassy- Dhaka, *unclassified telegram no. 2999*.

²⁶⁰ *The Constitution of the People's Republic of Bangladesh*, Article 34, (November 1972), [cited October 8, 2002]; available from <http://www.bangladeshgov.org/pmo/constitution/>.

²⁶¹ Selling a minor for the purposes of prostitution can carry a life sentence in prison. See Government of Bangladesh, *Suppression of Immoral Traffic Act of 1933 (Act No. VI of 1933)*, Section 12, (1933), [cited October 8, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/BANGLADESHf.pdf>. See also Government of Bangladesh, *Oppression of Women and Children Act of 1995 (Act. No. XVIII of 1995)*, (1995), [cited October 8, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/BANGLADESHf.pdf>.

²⁶² ECPAT International, *Bangladesh*.

²⁶³ The Ministry has only 110 inspectors to monitor about 180,000 registered factories and establishments. According to a Ministry official, there have been no prosecutions for violations of child labor laws. U.S. Embassy- Dhaka, *unclassified telegram no. 2156*, October 2001. See also U.S. Embassy- Dhaka, *unclassified telegram no. 2999*. See also Latifur Rahman, Deputy Secretary, Ministry of Labor and Employment, interview with USDOL official, June 29, 2000.

²⁶⁴ ECPAT International, *Bangladesh*.

²⁶⁵ Ministry of Women and Children Affairs, *National Report on Follow-up to the World Summit for Children*, 1.e. "Renewed Commitment to the Convention on the Rights of the Child".

²⁶⁶ U.S. Department of State, *Trafficking in Persons Report: Bangladesh*.

²⁶⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 9, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Barbados

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

In October 2001, the Government of Barbados launched a pilot national child labor study, in cooperation with the ILO Caribbean Office, to assess the extent of worst forms of child labor in Barbados.²⁶⁸ Preliminary regional research has shown that worst forms of child labor may exist in the criminal and informal sector in many Caribbean countries.²⁶⁹ The Government of Barbados and labor unions, like the Barbados Workers Union, have continued to work to prevent child labor in the formal sector within the country and across the Caribbean region.²⁷⁰ The Government continues to ban all imports from countries where child labor was utilized in the production process.²⁷¹

The Ministry of Education has committed itself to a seven-year Education Sector Enhancement Program to rehabilitate school buildings, ensure that primary and secondary schools are equipped with computers, and train teachers to help children become computer literate.²⁷² The government has established an Educational Media Resource Center to review software for use in the country's schools, especially in relation to the programs intended to promote computer literacy.²⁷³

Incidence and Nature of Child Labor

According to ILO and the government, there are no working children under the age of 15 in Barbados.²⁷⁴ Information on child labor practices in the informal sector is limited. The government is willing to investigate and inspect cases of child labor if incidents of child labor should arise.²⁷⁵

²⁶⁸ In 1999, the Government of Barbados and other delegates to an ILO Caribbean Tripartite Meeting on the worst forms of child labor agreed to conduct further data collection and in-depth research to determine the extent and nature of child labor in the Caribbean. Peter Richards, *Labor-Caribbean: Region Takes Stock of Child Work*, Inter Press Service, [online] May 7, 2002 [cited August 13, 2002]; available from <http://www.globalmarch.org/clns/daily-news/may-2002/may-7-2002-3.htm>.

²⁶⁹ Ibid.

²⁷⁰ U.S. Embassy- Bridgetown, *unclassified telegram no. 1782*, September 2001. See also U.S. Embassy- Bridgetown, *unclassified telegram no. 1511*, May 1997.

²⁷¹ U.S. Embassy- Bridgetown, *unclassified telegram no. 1782*.

²⁷² UNESCO, *Education for All 2000 Assessment: Country Reports- Barbados*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, Part II, Analytic Section [cited August 13, 2002]; available from http://www2.unesco.org/wef/countryreports/barbados/rapport_2.html.

²⁷³ Ibid.

²⁷⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to the Ministry of Labor, Sports, and Public Sector Reform, there were no known cases or evidence of child labor and the worst forms of child labor in Barbados. U.S. Embassy- Bridgetown, *unclassified telegram no. 1782*.

²⁷⁵ U.S. Embassy- Bridgetown, *unclassified telegram no. 1782*.

Education is free of charge in government institutions and compulsory between the ages of 5 and 16. School attendance is strictly enforced.²⁷⁶ In 1996, the gross and net enrollment rates were 97.3 percent.²⁷⁷ Primary school attendance rates are unavailable for Barbados. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁷⁸

Child Labor Laws and Enforcement

According to the Miscellaneous Provisions of the Employment Act, 16 years is the minimum age for employment in Barbados, and children are not permitted to work during school hours.²⁷⁹ The Minister of Labor must authorize apprenticeships and vocational training. A child undertaking an apprenticeship must have a certificate from a medical professional certifying that the apprentice or trainee is fit to meet the requirements of the job.²⁸⁰ The Police Force and the Department of Labor have jurisdiction over the monitoring and enforcement of child labor legislation,²⁸¹ and labor inspectors conduct spot checks of businesses and check records to verify compliance with the law.²⁸²

The Constitution prohibits forced labor.²⁸³ Any adult who has sexual intercourse with a child under 14 years of age may be imprisoned for life. If the child is between 14 and 16 years of age the

²⁷⁶ School attendance officers and parents can be fined or imprisoned (for no more than 3 months) for failure to enforce attendance. Ibid.

²⁷⁷ World Bank, *World Development Indicators 2002*. Most children complete primary school at the age of 11, at which point they must take a standardized test which determines whether the children qualify for formal secondary school or a trade school. The government notes that the population figures used to determine the net and gross education rates were extrapolated from the 1990 census and therefore may skew the enrollment rates. UNESCO, *EFA 2000 Report: Barbados*, Part II, Analytic Section. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention*, CRC/C/3/Add.45, United Nations, Geneva, February 1997, para. 173.

²⁷⁸ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

²⁷⁹ Employment Act, Sections 14 (1), (2) stipulates that no person may employ of children of compulsory school age during school hours. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1782*. See also UN Committee on the Rights of the Child, *Consideration of Reports*, para. 202.

²⁸⁰ The Employment Act, Chapter 42, Section 2, 20, 29, and 30 also establishes guidelines and penalties to ensure that the apprenticeship or training does not become exploitative. U.S. Embassy- Bridgetown, *unclassified telegram no. 1782*.

²⁸¹ According to the Employment Act, Section 17 and 19, police have the authority to enter any business under suspicion of using child laborers in order to inspect the facilities. According to the Employment Act, Section 15, the penalty for violating child labor legislation is imprisonment for up to 12 months or a fine of up to USD 1,000. Ibid.

²⁸² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Barbados*, Washington, D.C., March 4, 2002, 2595-96, Section 6d [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8290.htm>.

²⁸³ *Constitution of Barbados*, Article 14 [cited August 15, 2002]; available from <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Barbados/barbados.html>.

person may be imprisoned for 10 years.²⁸⁴ Procurement of all persons for prostitution is illegal and punishable with 15 years in prison.²⁸⁵

The Government of Barbados ratified ILO Convention 138 on January 4, 2000 and ILO Convention 182 on October 23, 2000.²⁸⁶

²⁸⁴ *Criminal Code*, Article 7, Section 12(1)(2) [cited August 15, 2002]; available from <http://www.protectionproject.org>.

²⁸⁵ *Ibid.*, Article 13.

²⁸⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Belize

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

The Government of Belize has been a member of ILO-IPEC since 2000.²⁸⁷ On November 11, 2000, the Government of Belize announced the launch of a Program to Eliminate Child Labor (PETI) in the Northern District of Corozal, which is the country's primary sugar cane area.²⁸⁸ The project was being implemented by the National Organization for the Prevention of Child Abuse (NOPCA), and is co-sponsored by USAID and the International Service Foundation for Peace and Democracy (FUNPADEM), a regional organization promoting peace and democracy in Central America.²⁸⁹ PETI included measures to rehabilitate working children and return them to school, and to gather information on social conditions contributing to child labor.²⁹⁰ Before the program announcement, the government had established a National Committee for Families and Children, including a subcommittee to specifically address child labor.²⁹¹ The Government of Belize is completing a national child labor survey, funded by USDOL with technical assistance from ILO-IPEC's SIMPOC, to collect qualitative and quantitative data on the nature and extent of child labor in the country to support effective interventions against child labor.²⁹²

²⁸⁷ ILO-IPEC, *All about IPEC: Programme Countries*, [online] August 13, 2001 [cited October 7, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁸⁸ PETI was a one-year pilot project that, according to Valdemar Castillo, Minister of Labor, Local Government and Sugar Industry, was intended to provide an information base from which all relevant organizations and individuals can work in order to adopt a coordinated approach to the elimination of child labor. PETI staff members interviewed and surveyed families in the Corozal District to collect information, and NOPCA released a report in January 2002. See U.S. Embassy- Belize, *unclassified telegram no. 122*, January 2001. See also U.S. Embassy- Belize, *unclassified telegram no. 1245*, November 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices-2001: Belize*, Washington, D.C., March 4, 2002, 2603-05, Section 6d [cited October 7, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8295.htm>.

²⁸⁹ U.S. Embassy- Belize, *unclassified telegram no. 122*. See also U.S. Embassy- Belize, *unclassified telegram no. 1245*.

²⁹⁰ U.S. Embassy- Belize, *unclassified telegram no. 122*. See also U.S. Embassy- Belize, *unclassified telegram no. 1245*.

²⁹¹ The Committee includes relevant government personnel and representatives from UNICEF, the Pan-American Health Organization, the Belize Family Life Association, and the National Organization for the Prevention of Child Abuse. See U.S. Embassy- Belize, *unclassified telegram no. 122*.

²⁹² Through SIMPOC, data has been collected and will be consolidated into a database on child labor. SIMPOC staff has worked with the Belize Central Statistical Office through capacity-building training to enable government officials to independently produce and analyze data in the future. In addition, the data that has been collected will be analyzed to determine priority target groups for future child labor programs. See ILO-IPEC, *March Technical Progress Report: Child Labour Survey and Development of Database on Child Labour in Belize*, CAM/99/05P/051, Geneva, March 18, 2002, 1. See also ILO-IPEC, *June 2002 Status Report: Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Central America*, Geneva, June 1, 2002.

Since 1988, the government has had a National Apprenticeship Program, which provides young persons (between 14 and 18 years) who are no longer in school with work experience and a stipend.²⁹³ From 1990-2000, the World Bank and the Government of Great Britain supported the Government of Belize in its efforts to improve primary education under UNESCO's Education for All program. These efforts included the expansion of primary school facilities, improvement of teacher education, enhancement of education quality through curriculum development, establishment of a text book loan scheme, and strengthening of the capacity of the Ministry of Education.²⁹⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 1.9 percent of children ages 10 to 14 years in Belize were working.²⁹⁵ In rural regions, children are found working on family plots and businesses after school, on weekends and during vacations²⁹⁶ and are involved in the citrus, banana, and sugar industries as field workers.²⁹⁷ In urban areas, children shine shoes, sell newspapers and other small items, and work in markets.²⁹⁸ Teenage girls, many of whom are migrants from neighboring Central American countries, are reported to work as domestic servants, bar maids and

²⁹³ Ramon Puck, "Belize Forced Child Labour" (paper presented at the Americas Regional Forced Child Labour Symposium, Panama, June 25-27, 2001).

²⁹⁴ UNESCO, *Education for All 2000 Assessment: Country Reports- Belize*, prepared by Ministry of Education and Sports, pursuant to UN General Assembly Resolution 52/84, 2000, [cited December 13, 2002]; available from http://www2.unesco.org/wef/countryreports/belize/rapport_1.htm. Additional education funding in Belize is currently under consideration by the World Bank. See World Bank, *Belize: Education Sector Improvement Project*, PID8661, Washington, D.C., April 26, 2001; available from <http://lnweb18.worldbank.org/External/lac/lac.nsf/b4cc0aaec4449633852567d6006ac68c/5511ba2c785bf1c0852567dd005c0d1f?OpenDocument>.

²⁹⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁹⁶ It is common for children to work on family plots or sell family produce after school or on the weekends. Different ethnic communities take varied approaches to child labor. The agrarian-based Mennonite community, for example, shifted its school year so that an extended school vacation would coincide with the harvest. Similarly, the Mayan community has attempted to balance agricultural work and school for its youth. Within the ethnic Chinese immigrant population, children routinely help in family shops and restaurants. According to Belizean labor union leaders, these are not examples of exploitation but rather acceptable aspects of child work tied to the family structure. See U.S. Embassy- Belize, *unclassified telegram no. 771*, July 2000.

²⁹⁷ In the past few years, the northern Commercial Free Zone, which caters to cross-border Mexican trade, has developed a booming commercial sector, and children work in trading, transportation, micro-businesses and other sectors. Immigrant and migrant children are particularly susceptible to work in the informal sector and the banana industry. See Puck, "Belize Forced Child Labour". See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Belize*, CRC/C/15/Add.99, United Nations, Geneva, May 10, 1999, 7. The Corozal District is cited as a region with particularly high levels of child labor, with children working in cane farming and as shop assistants and gas attendants. See U.S. Embassy- Belize, *unclassified telegram no. 122*. See also U.S. Department of State, *Country Reports 2001: Belize*, 2603-05, Section 6d.

²⁹⁸ U.S. Embassy- Belize, *unclassified telegram no. 771*.

prostitutes.²⁹⁹ In 2000, there were rare reports of child trafficking for purposes of prostitution,³⁰⁰ but in 2001, there were no reports of such activity.³⁰¹

Education in Belize is compulsory between the ages of 5 and 14.³⁰² Education is free, but related expenses, such as uniforms, are a financial strain on poor families.³⁰³ In 1998, the gross primary enrollment rate was 113 percent, and the net primary enrollment rate was 99.4 percent.³⁰⁴ Primary school attendance rates are unavailable for Belize.³⁰⁵ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁰⁶

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 12 years of age. Children between the ages of 12 to 14 years may only participate in light work that is not harmful to life, health or education. In addition, children between 12 and 14 years may work only after school hours on a school day, between the hours of 6 a.m. and 8 p.m. on any day, and for a total of two hours on a school day or a Sunday.³⁰⁷ The Labor Law applies to all employment in the formal sector, but not to self-employment or employment by family members.³⁰⁸ The minimum age for employment near hazardous machinery is 17 years.³⁰⁹ The Labor Law sets penalties for non-compliance with minimum age standards at USD 20 or two months imprisonment for the first offense, and in the case of subsequent offenses, at USD 50 or four months imprisonment.³¹⁰ The Ministry of Education investigates complaints of children not attending school and minor forms of child labor.

²⁹⁹ Ibid.

³⁰⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Belize*, Washington, D.C., February 2001, Section 6f [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/708.htm>.

³⁰¹ U.S. Department of State, *Country Reports 2001: Belize*, 2603-05, Section 6f.

³⁰² *Belize Education Act*, Chapter 36, (April 24, 1991), [cited December 13, 2002]; available from <http://www.belizelaw.org>. After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs have room for only about half of the children finishing primary school, and competition for spaces in secondary school is intense. See U.S. Department of State, *Country Reports 2001: Belize*, 2601-03, Section 5.

³⁰³ U.S. Department of State, *Country Reports 2001: Belize*, 2601-03, Section 5.

³⁰⁴ World Bank, *World Development Indicators 2002*.

³⁰⁵ According to the country's Central Statistics Office, in the 1990s, 46 percent of children did not complete primary school. See U.S. Department of State, *Country Reports 2001: Belize*, 2601-03, Section 5.

³⁰⁶ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

³⁰⁷ Government of Belize, *Labour Act*, Chapter 297, (December 31, 2000), Section 169 [cited December 13, 2002]; available from <http://www.belizelaw.org/lawadmin/index2.html>. See also U.S. Department of State, *Country Reports 2001: Belize*, 2603-05, Section 6d.

³⁰⁸ U.S. Embassy- Belize, *unclassified telegram no. 771*.

³⁰⁹ Inspectors from the Departments of Labor and Education enforce this regulation. See U.S. Department of State, *Country Reports 2001: Belize*, 2603-05, Section 6d.

³¹⁰ *Labour Act*, Section 172.

In addition, NOPCA receives complaints on the worst forms of child labor and refers them to the Department of Human Services and the Police. Cases are reported on a minimal basis, however.³¹¹

In 1998, Belize passed the Family and Children's Act, which consolidated previous legislation regarding the protection of children in the formal sector. According to the Act, children (defined as persons below 18 years of age) are prohibited from employment in activities that may be detrimental to their health, education, or mental, physical, or moral development.³¹² Forced and bonded labor are prohibited in Belize.³¹³ In general, the government effectively enforces this prohibition.³¹⁴

Although trafficking in persons is not illegal according to national law, the Ministry of Human Development, Women and Civil Society, the police department, and the Ministry of National Security and Immigration investigate cases involving trafficking of children, and the Ministry of Immigration participates in investigations of cases involving migrant children.³¹⁵ The Criminal Code prohibits procuring a female for prostitution or operating a brothel.³¹⁶

The Government of Belize ratified both ILO Convention 138 and ILO Convention 182 on March 6, 2000.³¹⁷

³¹¹ Wendel D.J. Parham, Ministry of Labour, Local Government and Sugar Industry of Belize, letter to USDOL official, September 9, 2002.

³¹² Government of Belize, *Families and Children Act, 1998*, (July 8, 1998), 91-173 [cited December 13, 2002]; available from <http://natlex.ilo.org/natlexnewfaceE.htm>.

³¹³ *Constitution of Belize, 1981*, Article 8(2) [cited October 10, 2002]; available from <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Belize/belize.html>. See also U.S. Department of State, *Country Reports 2001: Belize*, 2603-05, Section 6d.

³¹⁴ U.S. Department of State, *Country Reports 2001: Belize*, 2603-05, Section 6d.

³¹⁵ *Ibid.*, 2603-05, Section 6f.

³¹⁶ Government of Belize, *Criminal Code*, Articles 47-48 [cited December 13, 2002]; available from <http://www.protectionproject.org/main1.htm>.

³¹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 13, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Benin

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

Benin has been a member of ILO-IPEC since 1997³¹⁸ and is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.³¹⁹ In June 2002, the Africa Bureau and the Office to Monitor and Combat Trafficking in Persons of the U.S. Department of State launched a joint program to offer technical support to a variety of stakeholders in the West Africa region to combat the trafficking in persons, including the government of Benin.³²⁰ In December 1999, the Ministry of Social Protection and Family established a unit for Family and Childhood that is working with UNICEF on a variety of programs to combat child trafficking.³²¹ One of these initiatives is to build crisis centers for children in every department (or sub-region) of the country.³²² The Government of Benin is working with the Global Program against Trafficking in Human Beings of the UN Office on Drugs and Crime (UNODC) to strengthen anti-trafficking efforts for women and children. UNODC is providing technical assistance in areas such as research and law enforcement training.³²³

In 1994, the Ministry of Justice and the Ministry of Family and Social Protection, with support from UNICEF, completed a study on runaway and abandoned children. According to the survey, 65 percent of the urban households surveyed had “fostered” a child from a rural area through a traditional practice of forced servitude called *vidomegon*.³²⁴ Since 1999, the government, with support from UNICEF, carried out nationwide campaigns to raise awareness about the rights and responsibilities of persons engaged in *vidomegon*.³²⁵

³¹⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] February 12, 2002 [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/about/countries/index.htm>.

³¹⁹ The regional child trafficking project now covers Benin, Burkina Faso, Cameroon, Côte d’Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001.

³²⁰ U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 18, 2002.

³²¹ UNICEF activities to combat trafficking have included establishing local committees in rural areas known to supply children; radio and television based awareness raising activities; microcredit programs and awareness programs targeted at women; supporting local NGOs working to help reintegrate trafficked children into their communities, and supporting international and regional efforts to combat child trafficking. ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex I, Benin.

³²² *Ibid.*, Country Annex 1, Benin.

³²³ UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited February 19, 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

³²⁴ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Benin*, prepared by Government of Benin, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, para. 216-19.

³²⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Benin*, Washington, D.C., February 2001, Section 5 [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/af/861.htm>.

In 1991, the government developed a new educational policy to increase access to education, improve teacher quality, rehabilitate and build new school structures, provide non-formal and vocational training options, and lower the cost of education for families.³²⁶ USAID implements programs to help government ministries and local authorities reform education by encouraging the realignment of budget allocations to primary education, improving planning and financial management, supporting curriculum reform, providing teacher training, and enhancing student assessment.³²⁷ Since 1994, UNICEF and its partners have been implementing programs that allow the community to become directly involved in aspects of school administration and in promoting girls education.³²⁸

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 26.5 percent of children ages 10 to 14 years in Benin were working.³²⁹ Benin is a source, destination and transit country for the cross border trafficking of children.³³⁰ Children from Benin are usually trafficked into Nigeria, Cameroon, Cote d'Ivoire, Gabon, and Niger;³³¹ children from Burkina Faso, Niger, and Togo are sold into servitude in Benin.³³² Trafficked children often work as agricultural workers, domestic servants, and commercial sex workers.³³³

In Benin, children as young as 7 years old have been observed working on family farms, as domestic servants, on construction sites in urban areas, in public markets, and in other small enterprise-based jobs.³³⁴ The traditional practice of *vidomegon* involves poor rural families placing children (typically daughters) in the homes of wealthier families, so that the children may

³²⁶ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Benin*, para. 187.

³²⁷ ILO-IPEC, *All about IPEC: Programme Countries*. See also UNICEF, *Girls' Education in Benin*, [online] [cited August 29, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/cases/benin.htm>.

³²⁸ In one of the project locations the number of children attending school has more than tripled between 1993-2000, and comparable gains have been observed in other project areas. UNICEF has plans to work with the government and its partners to expand this model and improve educational support for girls' education in Benin. UNICEF, *Girls' Education in Benin*.

³²⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³³⁰ U.S. Department of State, *Trafficking in Persons Report- 2002: Benin*, Washington D.C., June 2002, 30 [cited December 13, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. According to statistics from the police, 802 child victims of trafficking from Benin and other countries were intercepted at the border in 1997, 1,058 in 1998, and 670 in 1999. See ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex 1.

³³¹ ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex 1, Benin.

³³² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Benin*, Washington, D.C., March 4, 2002, 30-33, Section 6f [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8252.htm>.

³³³ ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex 1, Benin. See also ILO-IPEC, *IPEC Action Against Child Labor 2000-2001: Progress and Future Priorities*, annual report, Geneva, January 2002, Benin Report.

³³⁴ U.S. Department of State, *Country Reports- 2001: Benin*, 30-33, Section 6f.

work and receive an education.³³⁵ The practice often degenerates into exploitation as children are forced to work as domestic servants, for long hours and with little or no access to education or wages.³³⁶ There are also reports of adolescents in Benin working in the sex industry as prostitutes.³³⁷

Education in Benin is free and compulsory between the ages of 6 to 11.³³⁸ In 1998, the gross primary enrollment rate in Benin was 84.2 percent (88.4 percent for boys and 55.7 percent for girls).³³⁹ In 1996, the gross primary school attendance rate was 67.1, while the net primary school attendance rate was 43.6.³⁴⁰ Attendance rates also reflect the gender disparity in access to education.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years³⁴¹ and prohibits forced labor.³⁴² The prostitution of children is not specifically prohibited by law, but offenses can be prosecuted under decrees issued in 1905 and 1912 that prohibit using deceit, coercion or violence to entice a minor to satisfy another, or under the Law of April 13, 1946, that prohibits hiring or training prostitutes, sharing in the proceeds, acting as an intermediary for prostitution, or establishing a brothel.³⁴³ Trafficking of children is not specifically prohibited, although 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.³⁴⁴

³³⁵ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Benin*.

³³⁶ ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex 1.

³³⁷ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Benin*, para. 223.

³³⁸ U.S. Department of State official, electronic communication to USDOL official, February 21, 2003.

³³⁹ World Bank, *World Development Indicators 2002*.

³⁴⁰ USAID, *Demographic and Health Surveys (USAID-DHS)*, [database online] [cited September 11, 2002]; available from <http://www.measuredhs.com>.

³⁴¹ *Ordinance No. 33-PR/MFPTT (Labour Code)*, Articles 107 and 108, ECPAT Database, [online] 2002 [cited August 10 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. See also U.S. Department of State, *Country Reports- 2001: Benin*, 30-33, Section 6d.

³⁴² U.S. Department of State, *Country Reports- 2001: Benin*, 30-33, Section 6c.

³⁴³ The punishment for violating the Law of 1946 is imprisonment for 6 months to 2 years and a fine of 400,000 to 4 million francs (USD 599 to 5,997). See *Decrees of August 23, 1912 and February 7, 1905*, (1922); available from <http://www.protectionproject.org/main1.htm>. See also *Law of April 13, 1946*, (1946); available from <http://www.protectionproject.org/main1.htm>. For currency conversion see FX Converter, [online] [cited October 18, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

³⁴⁴ ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex 1.

Between 1994 and 1999, the Brigade for the Protection of Minors intercepted more than 3,700 children who were being trafficked.³⁴⁵ There are reports of the capture of traffickers but no reports of subsequent legal measures being taken to enforce legal penalties mandated by law.³⁴⁶ Most labor inspectors continue to limit their monitoring activities to the urban formal sector due to limited capacity and limited numbers.³⁴⁷

The Government of Benin ratified ILO Convention 138 on June 11, 2001 and ratified ILO Convention 182 on November 6, 2001.³⁴⁸

³⁴⁵ Protection Project, *Commercial Sexual Exploitation of Women and Children: A Human Rights Report*, Washington, D.C., January 2001; available from <http://www.protectionproject.org/vt/2.htm>. The Minors Protection Brigade intercepted 117 children in 1994, 413 in 1995, 669 in 1996, 802 in 1997, 1059 in 1998, and 678 in 1999. UNICEF, *Rapport National sur le Suivi de Sommet Mondial pour les Enfants: Annexe Statistique Benin*, prepared by Republic of Benin, April 2000.

³⁴⁶ U.S. Department of State, *Country Reports- 2001: Benin*, 30-33, Section 6f. See also U.S. Department of State, *Country Reports- 2000: Benin*, Section 6f.

³⁴⁷ U.S. Department of State, *Country Reports- 2001: Benin*, 30-33, Section 6d.

³⁴⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] 2002 [cited August 29, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.

Bhutan

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

The Government of Bhutan is actively working with UNICEF 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.³⁴⁹

The World Bank is also funding an education program implemented by the Ministry of Health and Education aimed at increasing the number of graduates from basic education, raising levels of learning, and strengthening the management and administration of basic education. To achieve these goals, the project is constructing new schools and upgrading existing facilities, expanding and improving teacher education, revising curriculum and examinations, and introducing decentralized school monitoring and evaluation through management training.³⁵⁰

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 51.1 percent of children ages 10 to 14 years in Bhutan were working.³⁵¹ Although detailed information on the sectors in which children are working is limited, it is reported that children are often engaged in agricultural work on family farms.³⁵²

Education, including technical and vocational education, is free up to the tertiary level for all children aged 6 years or older in Bhutan.³⁵³ In 1998, Bhutan had a gross primary enrollment rate of 71.9 percent. Gross enrollment varied between sexes, with boys enrolled at a rate of 82.1 percent and girls at 61.5 percent. The net primary enrollment rate was 52.9 percent in 1998, with 58.4 percent for boys and 47.2 percent for girls.³⁵⁴ The completion rate of at least seven years of

³⁴⁹ UNICEF, *Second Chance at Literacy*, UNICEF in Bhutan, [online] [cited October 1, 2002]; available from <http://www.unicef.org/bhutan/educat.htm>. In addition, the Education Department is launching an "inclusive education" program that will integrate students with disabilities into regular schools by renovating one school in each of the 20 school districts to provide basic facilities for disabled students and training for teachers. See UNICEF, *Disabled Children Join Mainstream*, UNICEF in Bhutan, [online] [cited July 8, 2002]; available from <http://www.unicef.org/bhutan/disable.htm>.

³⁵⁰ World Bank, *Bhutan- Second Education Project*, project appraisal document, 17335, Washington, D.C., February 3, 1998, [cited October 1, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P009574>.

³⁵¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁵² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bhutan*, Washington, D.C., March 4, 2002, 2407-08, Section 6d [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8228.htm>.

³⁵³ 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.

³⁵⁴ UNESCO, *Education For All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

schooling in 1999 was 60 percent for girls and 59 percent for boys.³⁵⁵ Primary school attendance rates are unavailable for Bhutan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁵⁶ Most of the primary schools in southern areas of Bhutan were closed in 1990. The closure of the schools in these areas, which are heavily populated by ethnic Nepalese, effectively limits the ability of ethnic Nepalese to obtain a basic education.³⁵⁷

Child Labor Laws and Enforcement

The Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation (1994) prohibits employment of any kind for children;³⁵⁸ however, the law does not establish a minimum age.³⁵⁹ The minimum age of 18 that was established for marriage, as amended in the Marriage Act of 1996, for all practical purposes sets the age of majority as 18 in all matters of the state.³⁶⁰ Bhutanese law prohibits forced or compulsory labor, but does not specifically mention children, although there are no reports that such practices occur.³⁶¹ Trafficking in persons is not specifically prohibited, but there were no reports that persons were trafficked to, from or within the country.³⁶²

Bhutan is not a member of the ILO and therefore has not ratified ILO Convention 138 or ILO Convention 182.³⁶³

³⁵⁵ U.S. Department of State, *Country Reports- 2001: Bhutan*, 2404-07, Section 5.

³⁵⁶ For a more detailed discussion on the relationship between school statistics and work, see the preface to this report.

³⁵⁷ U.S. Department of State, *Country Reports- 2001: Bhutan*, 2404-07, Section 5.

³⁵⁸ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Bhutan*, para. 32.

³⁵⁹ UN Committee on the Rights of the Child, *Summary Record of the 715th Meeting: Bhutan*, United Nations, Geneva, June 2001, para. 23. The Government of Bhutan does not have a written Constitution. See U.S. Department of State, *Country Reports- 2001: Bhutan*, Introduction.

³⁶⁰ UN Committee on the Rights of the Child, *Summary Record: Bhutan*, para.41.

³⁶¹ U.S. Department of State, *Country Reports- 2001: Bhutan*, 2407-08, Sections 6c and 6f.

³⁶² Ibid.

³⁶³ Ibid., 2407-08, Section 6d.

Bolivia

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

The Government of Bolivia has been a member of ILO-IPEC since 1996.³⁶⁴ Since 2000, the government has been participating in a USDOL-funded ILO-IPEC regional project to eliminate child labor in small-scale mining in the Andean region. A second phase of this project began in September 2002.³⁶⁵ From 2000 to 2001, ILO-IPEC implemented a project to progressively eradicate child labor performed by street children in the city of El Alto.³⁶⁶

In April 2001, the Bolivian Congress approved the USD 90 million National Plan for the Progressive Eradication of Child Labor 2000 – 2010 designed by the Inter-Institutional Commission for the Eradication of Child Labor.³⁶⁷ The Plan's strategic objectives include the reduction of child labor for children under the age of 14, the protection of adolescent workers over the age of 14, and the elimination of the worst forms of child labor.³⁶⁸ The Plan also includes provisions to rehabilitate and reintegrate child victims of commercial sexual exploitation,³⁶⁹ although the government lacks funding for this and other project activities.³⁷⁰ In 2002, the government completed a study on child prostitution, the results of which will be used to create incentive programs to keep children away from this hazardous form of work.³⁷¹

³⁶⁴ ILO-IPEC, *All about IPEC: Programme Countries*, [online] [cited November 8, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm>.

³⁶⁵ The regional project includes Bolivia, Ecuador and Peru. 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 30, 2002.

³⁶⁶ ILO-IPEC, *Los Programas de Acción IPEC en Breve: Erradicación del Trabajo Infantil en Niños y Niñas Trabajadores de la Calle de la Ciudad de El Alto*, [online] [cited October 10, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/ficbolurb2.php#b2a>.

³⁶⁷ 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, 7, 51. See also ILO-IPEC, *Bolivia*, [online] [cited October 2, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/bolivia.php#x5>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bolivia*, Washington, D.C., March 4, 2002, 2617-21, Section 6d [cited August 22, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8299.htm>.

³⁶⁸ The plan includes a variety of strategies to reach its goals, such as awareness raising and income-generating alternatives for families. Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 35, 38.

³⁶⁹ ECPAT International, Bolivia, in ECPAT International, [database online] 2002 [cited October 2, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=21&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.

³⁷⁰ U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6d.

³⁷¹ U.S. Embassy- La Paz, *unclassified telegram no. 3740*, October 11, 2002.

In October 2001, the Inter-American Development Bank (IDB) financed a program to strengthen technical and technological training for young school drop-outs with a gender-focused approach.³⁷² In 2002, the World Bank invited Bolivia to participate in the Education for All Fast Track program to build on its success in creating and implementing policies to improve the quality and delivery of primary education.³⁷³ The Ministry of Education's Vice-Ministry of Alternative Education has developed a night class curriculum designed to keep working children and adolescents in school by offering them flexible, contextual, vocational and reality based lessons.³⁷⁴ From 1996 to 2000, the Vice-Ministry of Gender, Generational and Family Affairs, with financing from the IDB, implemented a program for children between the ages of 7 and 12 who were working or at risk of dropping out of school. The program provided financial assistance to families of targeted children by covering school-related expenses, such as school materials, uniforms, transportation, and food.³⁷⁵

Incidence and Nature of Child Labor

In 2000, UNICEF reported that 26.4 percent of children ages 5 to 14 years in Bolivia were working.³⁷⁶ Children generally enter the labor market between the ages of 10 and 12, but there are reports of children working who are as young as 6 years old.³⁷⁷ A 2002 poll found that the

³⁷² Inter-American Development Bank, *Program to Strengthen Technical and Technological Training*, executive summary, (B)-0197, Washington, D.C., October 2001, [cited December 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

³⁷³ The Education For All Fast Track is designed to help developing countries meet the Millennium Development Goal of providing every girl and boy with quality primary school education by 2015. To qualify for financing under the Fast Track, countries must prioritize primary education and embrace policies that improve the quality and efficiency of their primary education systems. World Bank, *World Bank Announces First Group of Countries for 'Education For All' Fast Track*, The World Bank Group, [press release] June 12, 2002 [cited August 5, 2002]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

³⁷⁴ Ministry of Education Culture and Sports Vice-Ministry of Alternative Education, *Curriculum para la Escuela Nocturna; Proyecto de Transformación curricular para Niños / as Adolescentes y Jóvenes trabajadores y de la Calle de la Escuela Nocturna*, CARE Bolivia, La Paz, 2000.

³⁷⁵ Inter-American Development Bank, *Program to Provide Schooling to Working Children Between the Ages of 7 and 12*, ATN/SF-5143-BO, Washington, D.C., February 1996, [cited December 13, 2002]; available from <http://www.iadb.org/EXR/doc97/apr/bo5143e.htm>. See also Ministry of Sustainable Development and Planning, *Programa de Asistencia Familiar para la Permanencia Escolar de Niñas y Niños Trabajadores*, project document, Vice Ministry of Gender, Generational, and Family Affairs, Bureau of Generational and Family Affairs, La Paz, February 2000. See also Ministry of Sustainable Development and Planning, *Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, proposal, Vice Ministry of Gender, Generational, and Family Affairs, Bureau of Generational and Family Affairs, La Paz, 2001.

³⁷⁶ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Mario Gutiérrez Sardán for the Government of Bolivia, *Multiple Indicator Cluster Survey (MICS) Report: Bolivia*, UNICEF, La Paz, May 2001, [cited December 13, 2002]; available from <http://www.childinfo.org/MICS2/newreports/bolivia/bolivia.pdf>.

³⁷⁷ ILO-IPEC, *Trabajo Infantil en los Países Andinos: Bolivia, Colombia, Ecuador, Perú y Venezuela*, Lima, 1998, 16.

majority of urban working children were putting in significantly more than 40 hours per week.³⁷⁸ The greatest proportion of working children is in rural areas, where they work in the construction, livestock and agricultural sectors.³⁷⁹ A large number of working children are found working in sugar cane harvesting and production in Santa Cruz.³⁸⁰ In urban areas, children work in services, commerce, manufacturing, and family businesses and industry.³⁸¹ Children also work as small-scale miners,³⁸² domestic laborers and prostitutes.³⁸³ It is reported that children and adolescents are trafficked to Argentina, Chile and Brazil to work in agriculture, factories, trades, and as domestic servants.³⁸⁴

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state and establishes free, compulsory primary education for eight years for children ages 6 to 14.³⁸⁵ In 1997, the gross primary enrollment rate was 105.8 percent and in 1998, the net primary enrollment rate was 97.1 percent.³⁸⁶ More than 56 percent of Bolivian children and adolescents do not attend or have abandoned school.³⁸⁷ In addition, prolonged teachers' strikes often result in

³⁷⁸ 2002 LABOR: Center for Labor Development and Assistance survey as cited in U.S. Department of State official, electronic communication to USDOL official, February 7, 2003.

³⁷⁹ "Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la Viceministro de Género, Jámila Moravek," *El Diario* (La Paz), July 5, 2000. See also U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6d.

³⁸⁰ Guillermo Dávalos, *Bolivia: Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, xi [cited December 13, 2002]; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/bolivia/ra/cane.pdf>.

³⁸¹ "Trabajo Infantil: 370 mil niños trabajan en Bolivia." See also U.S. Department of State, *Country Reports- 2001: Bolivia*.

³⁸² ILO-IPEC, *Phase I: Program to Prevent Child Labor in Gold Mining*, project document, 3.

³⁸³ U.S. Department of State, *Country Reports- 2001: Bolivia*, 2615-21, Section 5 and 6c. It is also reported that children work as drug transporters. See U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6d.

³⁸⁴ U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6f.

³⁸⁵ UNESCO, *Education for All 2000 Assessment: Country Reports- Bolivia*, prepared by Ministry of Education, Culture, and Sports, pursuant to UN General Assembly Resolution 52/84, December 12, 2000, Part I, Section 2.2 and Part II, Section 3.1 [cited December 13, 2002] available from <http://www2.unesco.org/wef/countryreports/bolivia/contents.html>.

³⁸⁶ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁸⁷ Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 11. In urban centers, 57 percent of all children between ages 7 and 12 leave school before the sixth grade. The drop-out rate was 89 percent in rural regions. Ministry of Sustainable Development and Planning, *Proyecto de Continuidad del Programa*, 12. The Child and Adolescent Code calls upon the government to take steps to reduce school drop-out rates and in rural areas, to provide pedagogical materials and resources, to adapt the school calendar and attendance schedule to local realities, and to raise awareness within communities and among parents about the importance of registering children for school and maintaining their regular attendance. See Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, Articles 115-116, (October 14, 1999), [cited December 13, 2002]; available from <http://www.geocities.com/bolilaw/legisla.htm>.

lengthy school closures, limiting children's access to education.³⁸⁸ Many children from rural areas lack identity documents and birth certificates necessary to receive social benefits and protection.³⁸⁹ In May 2002, a new Supreme Decree was issued that established a program to provide free birth certificates to children, especially in rural areas, born on or after the first of January 2002.³⁹⁰ The Office of the First Lady is currently spearheading this project.³⁹¹

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.³⁹² National legislation on hazardous labor prohibits children from taking part in activities involving danger to health or morals, physically arduous labor, exposure to chemicals and noxious substances, dangerous machinery, and the production and handling of pornographic materials.³⁹³ According to the Code, employers are required to ensure that adolescent apprentices attend school during normal school hours.³⁹⁴

The Constitution prohibits any kind of labor without consent.³⁹⁵ Prostitution is illegal for individuals under 18 years, but enforcement is poor and police raids are ineffectual and easily avoided.³⁹⁶ All forms of pornography are illegal under Bolivian law.³⁹⁷ The 1999 Law for the Protection of the Victims of Crimes Against Sexual Freedom prohibits individuals from benefiting from the corruption or prostitution of a minor.³⁹⁸ The 1999 law also outlaws trafficking in persons for the purpose of prostitution.³⁹⁹

³⁸⁸ Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 11. See also U.S. Department of State, *Country Reports- 2001: Bolivia*, 2615-17, Section 5. ³⁸⁹ U.S. Department of State, *Country Reports- 2001: Bolivia*, 2615-17, Section 5.

³⁹⁰ President of the Republic of Bolivia, *Decreto Supremo No. 26579*, (May 20, 2002), Article 1.

³⁹¹ UNFPA is providing partial funding for the project. See U.S. Department of State official, electronic communication, February 7, 2003.

³⁹² *Ley del Código del Niño*, Article 126.

³⁹³ Also included is work that involves thermal stress, vibration and noise, the production and/or sale of alcohol, entertainment (night clubs, bars, casinos, circuses, gambling halls), machinery in motion, mining, quarries, underground work, street trades, operating transportation vehicles, weights and loads, and the welding and smelting of metals. ILO, *National Legislation on Hazardous Work*, [online] 1998 [cited August 5, 2002]; available from <http://www.ilo.org/public/english/comp/child/standards/labourle/index.htm>.

³⁹⁴ *Ley del Código del Niño*, Article 146.

³⁹⁵ Government of Bolivia, *Constitución Política del Estado*, Ley 1615, (February 6, 1995), Article 5 [cited December 13, 2002]; available from <http://www.geocities.com/bolilaw/legisla.htm>.

³⁹⁶ U.S. Embassy- La Paz, *unclassified telegram no. 3434*, August 2000.

³⁹⁷ *Ibid.*

³⁹⁸ Government of Bolivia, *Ley de Protección a las Víctimas de Delitos contra la Libertad Sexual*, 2033, (October 29, 1999), Article 321 [cited December 13, 2002]; available from <http://natlex.ilo.org/txt/S99BOL02.htm>.

³⁹⁹ The law provides for sentencing for up to 12 year's imprisonment if the victim is a minor. *Ibid.*, 321 bis.

An interagency Committee on Minors was formed to combat the extraterritorial trafficking in adolescents for forced labor. However a lack of resources allows trafficking of children to continue.⁴⁰⁰ The government cooperates with other governments to investigate and prosecute trafficking cases.⁴⁰¹

In March 2001, the government adopted into law stipulations of the Child and Adolescent Code that allow judges and other authorities of the Ministry of Justice to punish violations of children's rights within the country.⁴⁰² However, a set of fines and penalties has not been standardized for child labor violations.⁴⁰³ In 1996, the Vice-Ministry of Gender, Generational and Family Affairs created the Municipal Child and Adolescent Defense Offices, which offer a free public service to promote, protect and defend the rights of children and adolescents.⁴⁰⁴ As of June 2001, there were 150 offices functioning in 135 municipalities.⁴⁰⁵

The Government of Bolivia ratified ILO Convention 138 on June 11, 1997, but has not ratified ILO Convention 182.⁴⁰⁶

⁴⁰⁰ U.S. Department of State, *Country Reports- 2001: Bolivia*, 2617-21, Section 6f.

⁴⁰¹ Ibid.

⁴⁰² "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos* (La Paz), March 21, 2001, [cited December 26, 2002]; available from <http://www.lostiempos.com/pvyf4.shtml>.

⁴⁰³ U.S. Embassy- La Paz, *unclassified telegram no. 3740*.

⁴⁰⁴ Ministry of the Presidency, *Cumbre Mundial de la Infancia: Evaluación de Metas*, Vice Ministry of Governmental Coordination, Bureau of Coordination with the National Administration, La Paz, June 2001, 12.

⁴⁰⁵ Ibid., 5, Area No. 6: Educación y Desarrollo durante la Niñez Temprana.

⁴⁰⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited October 23, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Bosnia and Herzegovina

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

Although there is no information indicating that the Government of Bosnia and Herzegovina has established its own programs on the worst forms of child labor, IOM and UNICEF, among others, have developed their own assistance and prevention programs. IOM, in cooperation with government authorities, the UN and NGOs, operates a project to protect and assist trafficking victims by providing them with transportation, housing and financial assistance. The project targets women and children working in the sex industry.⁴⁰⁷ In addition, UNICEF has been working with the Ministry of Health, Education and Social Welfare to implement a project providing access to essential services for vulnerable groups, which has as one of its goals to increase the enrollment and retention of Roma children in the education system.⁴⁰⁸

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 17.7 percent of children ages 5 to 14 years in Bosnia and Herzegovina were working.⁴⁰⁹ Children occasionally assist their families with farm work and odd jobs, and Roma children beg on the streets.⁴¹⁰ The prostitution and trafficking of girls for exploitative work remains a problem.⁴¹¹ Reports indicate that there are isolated cases of children

⁴⁰⁷ The majority of assistance projects within Bosnia and Herzegovina are carried out by international organizations and NGOs, with the government authorities playing minor roles. The IOM has assisted over 300 trafficked women and children. Approximately 10 percent were girls under the age of 18. See International Organization for Migration, *Shelter and Return of Trafficked Girls and Women in BiH*, [online] 2002 [cited August 5, 2002]; available from <http://www.iom.ba/Programs/OnGoing/trafficking.htm>.

⁴⁰⁸ UNICEF, *Bosnia and Herzegovina: UNICEF in Action*, [online] 2002 [cited October 1, 2002]; available from <http://www.unicef.org/programme/highlights/cee/bosnia/support.htm>.

⁴⁰⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Less than 1 percent of children between ages 5 and 14 were paid for their employment, 6 percent of children participated in unpaid work for someone other than a family member, and 15 percent of children worked on the family farm or in the family business. See Government of Bosnia and Herzegovina, *Multiple Indicator Cluster Survey 2 (MICS 2): Bosnia and Herzegovina*, UNICEF, [online] 2000 [cited November 5, 2001]; available from <http://www.ucw-project.org/resources/index.html>. See also Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia and Herzegovina 2000: A Multiple Indicator Cluster Survey: B&H MICS 2000*, UNICEF, [online] May 29, 2002 [cited October 2, 2002], 54; available from <http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf>.

⁴¹⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bosnia and Herzegovina*, Washington, D.C., March 4, 2002, 1351-54, Section 6d [cited August 6, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8236.htm>.

⁴¹¹ The State Department reports that as many as 5,000 trafficked women may be working in the country. The average age of trafficked women is 22 years, ranging from age 13 to 36, with more than 12 percent of the women being minors. See *Ibid.*, 1351-54, Section 6f.

as young as 13 and 14 years old from Eastern Europe and the former Soviet Union who are trafficked to Bosnia and Herzegovina and sold into prostitution.⁴¹²

Education is free and compulsory until age 15.⁴¹³ The right to education is guaranteed by the Constitution, but specific laws on compulsory education requirements are established in the separate legislation of the country's two political entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).⁴¹⁴ In 1998, the gross primary enrollment rate was 103.6 percent, and the net primary enrollment rate was 97.4 percent.⁴¹⁵ In 2000, the primary attendance rate was 94 percent.⁴¹⁶ Access to education remains limited in war-affected areas, where one-third to one-half of schools have been destroyed.⁴¹⁷ Tension among different ethnic communities and local policies favoring citizens in the ethnic majority also prevent minority children from attending school in these regions.⁴¹⁸ However, in 2001, the Brcko District successfully integrated its elementary and high schools and developed a harmonized school curriculum.⁴¹⁹

⁴¹² The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and Ukraine, but they also arrive from Russia, Belarus, Kazakhstan, and Bulgaria. See Ibid. See also Emir Imamovic, "Bosnian Brothels Flourish," *Balkan Crisis Report*, No. 201 (December 6, 2000). See also Alix Kroeger, "Vice Bars Raided in Bosnia," *BBC News*, March 3, 2001.

⁴¹³ U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1347-51, Section 5. See also *Constitution of Republika Srpska*, Article 38, [cited August 6, 2002]; available from http://www.ohr.int/const/rs/default.asp?content_id=5908. See also *Constitution of the Federation of Bosnia and Herzegovina*, (May 8, 1997), Article 2(1)(m), [cited August 1, 2002]; available from http://www.ohr.int/const/bih-fed/default.asp?content_id=5907.

⁴¹⁴ The Dayton Accords established two distinct entities within the Republic of Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). According to the Constitution of the Republic, the two entities are entitled to establish their own laws and government functions for matters not covered by the Constitution and provides that all provisions detailed in the national Constitution supersede those of the entities. Education is one area that remains highly decentralized in the country, as it is determined separately by the provisions of the RS Constitution and by the 10 canton units within the FBiH. 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 by the entities. Currently, the two entities have differing curricula, but an agreement has been reached to develop a common curriculum. See *The General Framework Agreement: Annex 4: Constitution of Bosnia and Herzegovina*, (December 14, 1995), [cited August 1, 2002]; available from http://www.ohr.int/dpa/default.asp?content_id=372. See UNICEF, *UNICEF Consolidated Donor Report for Southeastern Europe: Bosnia and Herzegovina: January-December 2000*, Area Office of the Balkans, March 2001, 59 [cited October 5, 2001]; available from <http://www.unicef.org/balkans/donrep-seeur-2000.pdf>.

⁴¹⁵ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁴¹⁶ Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia*, 25.

⁴¹⁷ UNICEF, *UNICEF Consolidated Donor Report*, 59.

⁴¹⁸ U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1347-51, Section 5.

⁴¹⁹ Due to the strategic importance of the town of Brcko for both FBiH and the RS, the International Arbitration Commission declared Brcko to be a District of Bosnia and Herzegovina in March 1999. The District of Brcko has its own local government, which applies the laws of FBiH and the RS until adopting its own laws. The District of Brcko's successful school integration and harmonized curriculum stands as a model to the two entities. See Ibid. See also *Vlada Brcko Distrikta Bosne i Hercegovine*, [online] 2001 [cited August 1, 2002]; available from <http://www.brckodistrict.org/w3b.exe/english/0>.

Child Labor Laws and Enforcement

In both FBiH and RS, the Labor Law sets the minimum age for employment at 15 years, and minors between the ages of 15 to 18 must provide a valid health certificate in order to work.⁴²⁰ Also, in both entities, children are prohibited from performing hazardous and overtime work.⁴²¹ Night work by minors is also banned, although temporary exemptions may be granted by the labor inspectorate in regards to machine breakdowns, the elimination of consequences of force majeure, and protection of the political entity.⁴²² In FBiH, an employer found in violation of the above prohibitions must pay a fine ranging from 2,000 to 14,000 KM (USD 1,026 to 7,179).⁴²³ In the RS, fines range from 1,000 to 10,000 KM (USD 513 to 5,128) for hiring children under the age of 15 and requiring overtime work or hazardous work of a minor.⁴²⁴ The fines are raised to 2,000 to 15,000 KM (USD 1,026 to 7,692) for employers who allow underage workers to work at night.⁴²⁵

There is no comprehensive law against trafficking in persons, but under the Criminal Codes of the two entities, procuring a juvenile or seeking opportunity for illicit sexual relations with a juvenile is specifically prohibited.⁴²⁶ There have been allegations of both local law enforcement and international police facilitation of the trafficking of women.⁴²⁷

⁴²⁰ *The Labour Law (FBiH)*, Issue No. 43, (October 28, 1999), Article 15 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 12. See also *The Labor Law (RS)*, (November 8, 2000), Article 14.

⁴²¹ *The Labour Law (FBiH)*, Articles 15, 32, and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

⁴²² 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. See also *The Labor Law (RS)*, Article 46.

⁴²³ *The Labour Law (FBiH)*, Article 140 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 49.

⁴²⁴ *The Labor Law (RS)*, Article 150.

⁴²⁵ *Ibid.*

⁴²⁶ In FBiH, persons caught recruiting or luring juvenile females into prostitution face imprisonment between 1 and 10 years, while having sexual intercourse with a child under the age of 14 is punishable by imprisonment between six months and five years. The FBiH Criminal Code mandates between 6 months and 10 years imprisonment for those convicted of rape or forced sexual intercourse. In the RS, the punishment for persons convicted of rape or having sexual intercourse with a child is imprisonment for 3 to 15 years. Under the RS Criminal Code, an imprisonment term of 1 to 12 years is authorized for individuals who for profit compel or lure persons under the age of 21 into offering sexual services, including by threat or use of force or by abusing the situation originating from the persons' stay in another country. In practice, traffickers are sentenced in Bosnia and Herzegovina usually to imprisonment for no more than six to eight months. See *Criminal Code of the Federation of Bosnia and Herzegovina*, (November 20, 1998), Articles 221, 22, 24, and 29 [cited August 5, 2002]; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5130. See also *Criminal Code of the Republika Srpska*, (July 31, 2000), Articles 185 and 88 [cited August 5, 2002]; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129. See also U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1351-54, Section 6f.

⁴²⁷ The Office of the UN High Commissioner for Human Rights documented the complicity of local police, international police, and the Stabilization Force in 14 out of 40 cases investigated between March 1999 to March 2000. In some cases, investigations were prevented by high level political involvement. Additionally, six police officers were suspended pending allegations that they gave warning of raids in exchange for the free sexual services. See U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1351-54, Section 6f.

The Government of the Republic of Bosnia and Herzegovina ratified ILO Convention 138 on June 2, 1993, and ratified ILO Convention 182 on October 5, 2001.⁴²⁸

⁴²⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 27, 2001]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Botswana

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

The Government of Botswana has been implementing a 10-year National Program of Action for Children since 1997 that incorporates the seven major global goals identified at the 1990 U.N Summit for Children.⁴²⁹ The Labor Department of Botswana is planning to work in consultation with the Central Statistics Office, with technical assistance from ILO-IPEC, to conduct a national child labor survey to determine the extent and nature of child labor.⁴³⁰ Results from this survey will provide the basis for developing an action plan to implement ILO Convention 182.⁴³¹

In 2000, the Government of Botswana signed a USD 3.4 million funding agreement with UNICEF to improve the situation of children in the country. The money is being used to serve pregnant children and children in remote areas by providing more learning facilities.⁴³² Additionally, UNICEF implements a girls' education program in Botswana aimed at improving the primary school curriculum, supporting the formulation of an early childhood care and education policy, developing pregnancy prevention policies and programs, and improving the boarding school environment at schools where boys and girls enrollment is low.⁴³³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14.4 percent of children ages 10 to 14 years in Botswana were working.⁴³⁴ In urban areas, increasing numbers of street children, many of them HIV/AIDS orphans, allegedly engage in begging and prostitution.⁴³⁵ In remote areas, young children reportedly work as cattle tenders, domestic servants and babysitters.⁴³⁶

Primary education is free for seven years, but it is not compulsory.⁴³⁷ In 1998, the gross primary enrollment rate was 105.5 percent, and the net primary enrollment rate was 80.7 percent. Total net

⁴²⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Botswana*, Washington, D.C., March 4, 2002, 40-43, Section 5 [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8265.htm>.

⁴³⁰ U.S. Embassy- Gaborone, *unclassified telegram no. 3277*, September 2001.

⁴³¹ Ibid.

⁴³² Panafican News Agency, *UNICEF Signs Child Protection Agreement With Botswana*, allAfrica.com, November 3, 2000 [cited October 10, 2002]; available from <http://allafrica.com/stories/200011030023.html>. For currency conversion see FX Converter, [online] [cited October 4, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

⁴³³ UNICEF, *Girls' Education in Botswana*, [online] [cited October 4, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/highlights.htm>.

⁴³⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁴³⁵ U.S. Department of State, *Country Reports- 2001: Botswana*, 40-43, Section 5.

⁴³⁶ Ibid., 43-44, Section 6d.

⁴³⁷ Ibid., 40-43, Section 5. See also U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

and gross enrollment rates for girls and boys are relatively equal.⁴³⁸ Primary school attendance rates are unavailable for Botswana. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴³⁹

Child Labor Laws and Enforcement

The minimum age for basic employment for children is 14 years, and 18 years for hazardous work.⁴⁴⁰ However, family members may employ children under the age of 14 in family businesses.⁴⁴¹ Adopted children are protected from being exploited as cheap labor or coerced into prostitution by several laws.⁴⁴² The Constitution does not prohibit forced or compulsory labor of children, although there are no reports that such practices occur.⁴⁴³ Child prostitution and pornography are criminal offenses, and penalties apply to violations involving children under the age of 16.⁴⁴⁴ The law provides for a 10-year minimum sentence for "defilement" of persons under 16.⁴⁴⁵

The Social Welfare Department under the Ministry of Local Government, Lands, and Housing is the government agency that oversees the protection and welfare of children.⁴⁴⁶ The Employment Act authorizes the Commissioner of Labor to investigate cases of child labor and to terminate unlawful employment of a child.⁴⁴⁷ Child labor laws are enforced by the child welfare divisions of the district and municipal councils.⁴⁴⁸ The highest penalty for unlawful child employment is imprisonment up to 12 months, a fine of 1500 Pula (USD 231), or a combination of both.⁴⁴⁹

The Government of Botswana ratified ILO Convention 138 on June 5, 1997, and ILO Convention 182 on January 3, 2000.⁴⁵⁰

⁴³⁸ In 1998, the net primary enrollment rate for boys was 79 percent and 82 percent for girls. The gross secondary enrollment rate for boys was 73 percent and 80 percent for girls. World Bank, *World Development Indicators 2002*.

⁴³⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁴⁰ U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

⁴⁴¹ U.S. Department of State, *Country Reports- 2001: Botswana*, 43-44, Section 6d.

⁴⁴² *Ibid.*, 43-44, Section 6c, d.

⁴⁴³ *Ibid.*, 43-44, Section 6c.

⁴⁴⁴ *Ibid.*, 40-43, Section 5.

⁴⁴⁵ *Ibid.*

⁴⁴⁶ *Ibid.*

⁴⁴⁷ U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

⁴⁴⁸ U.S. Department of State, *Country Reports- 2001: Botswana*, 43-44, Section 6d.

⁴⁴⁹ U.S. Embassy- Gaborone, *unclassified telegram no. 3277*. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>, [cited August 4, 2002].

⁴⁵⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Brazil

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

In 1992, the Government of Brazil became one of the six original countries to join ILO-IPEC.⁴⁵¹ USDOL has funded four ILO-IPEC projects in Brazil. A program in the Vale dos Sinos area, funded in 1995, addressed child labor in the local shoe industry. A regional program, funded in 2000, was initiated in Brazil, Colombia, Paraguay, and Peru to combat the problem of child domestic workers. A third, also funded in 2000, addresses the commercial sexual exploitation of minors in two border cities between Brazil and Paraguay.⁴⁵² The fourth USDOL-funded project, a collaboration between the Brazilian Institute of Geography and Statistics and ILO's SIMPOC, has collected field data and is in the process of preparing the final report on a child labor survey as part of Brazil's National Household Survey.⁴⁵³ In addition, ILO-IPEC, the MERCOSUR governments and the Government of Chile have developed a 2002–2004 regional plan to combat child labor.⁴⁵⁴

The federal government administers numerous programs under different ministries and has formed various commissions to combat and address issues related to child labor in Brazil.⁴⁵⁵ These programs to eradicate child labor are listed in the Government of Brazil's 2002-2003 multi-year plan.⁴⁵⁶ In September 2002, the Ministry of Labor and Employment (MTE) created the National Commission to Eradicate Child Labor (CONEATI), whose main goal is to implement ILO Conventions 138 and 182. The CONEATI will also work to increase coordination among federal

⁴⁵¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited September 13, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁴⁵² ILO-IPEC, *Combating Child Labor in the Shoe Industry of Vale dos Sinos, Brazil*, program document, BRA/95/05/050, 1995. See also ILO-IPEC, *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, program document, Geneva, September 2000. See also ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, program document, RLA/00/P53/USA, Geneva, September 2000.

⁴⁵³ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC)*, project document, Geneva, September 1999. See also ILO-IPEC official, electronic communication with USDOL official, August 28, 2002.

⁴⁵⁴ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2 Número 6 (August 2002), [cited October 7, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeacciondos.html>.

⁴⁵⁵ Among these is the Executive Group to Combat Forced Labor, the National Forum for the Eradication of Child Labor and the Protection of the Adolescent Worker, and the National Office of Coordination for Combating the Exploitation of Child and Adolescent Labor. State governments have also formed local commissions, such as the State of Rio de Janeiro's Commission on the Prevention and Eradication of Child Labor. See Public Labor Ministry, *Procuraduria Geral: Comissoes*, [online] November 14, 2001 [cited September 13, 2002], 1; available from <http://www.pgt.mpt.gov.br/comissoes.html>.

⁴⁵⁶ Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, online, 1 [cited October 4, 2002]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Conteudo/Publicacoes.asp?Acao=Imprimir&>.

efforts to address child labor.⁴⁵⁷ In May 2000, the MTE established the Tripartite Commission,⁴⁵⁸ which produced a list of 81 activities in September 2001 defined as “worst forms” of child labor.⁴⁵⁹

Each Brazilian state has a Special Group to Combat Child Labor and Protect the Adolescent Worker (GECTIPA), which is responsible for reporting upcoming local activities and their outcomes to the MTE.⁴⁶⁰ In some regions, councils defend the rights of children and adolescents at the federal, state, and municipal levels.⁴⁶¹ The Federal Ministry of Welfare and Social Assistance (MPAS) has launched a program to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation.⁴⁶² Early in 2002, Brazil initiated a Global Program to Prevent and Combat Trafficking in Human Beings, which includes the targeting of victims who are trafficked for commercial sexual exploitation and forced labor.⁴⁶³ A Parliamentary Investigative Commission on Sexual Tourism began functioning in September 2001 in the state of Fortaleza.⁴⁶⁴

⁴⁵⁷ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*, October 23, 2002.

⁴⁵⁸ The Tripartite Commission is made up of members from the federal government, workers and employers organizations. Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, 9.

⁴⁵⁹ Ibid. The list includes such activities as harvesting citrus fruits and cotton, driving tractors, performing civil construction, picking garbage, cutting sugar cane, selling alcohol, and working in bars, underground or with toxic chemicals. See also Ministry of Labor and Employment: Secretary of Labor Inspection, *Anexo 1: Quadro descritivo dos locais e serviços considerados perigosos ou insalubres para menores de 18 anos*, online, September 3, 2001, Portaria No. 20 [cited October 4, 2002]; available from <http://www.mte.gov.br/Temas/TrabInfantil/default.asp>.

⁴⁶⁰ Within the Ministry, the Secretariat of Labor Inspection uses the data from the GECTIPA reports to inform a periodic map of child and adolescent labor, which is then used to select locations and identify activities for future eradication of child labor programs. Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, 2, 3.

⁴⁶¹ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*, September 18, 2000.

⁴⁶² As an urban partner to the Program on the Eradication of Child Labor (PETI) program, the *Sentinela Program* provides child/adolescent victims of commercial sexual exploitation with psychological, social and legal counseling and safer environments for victims. Centers work with a network of NGOs and public officials to guarantee the rights of child victims of abuse and of children working as prostitutes. The program also works with victims' families to help raise incomes. See Mark Mittelhauser, Labor Attache at U.S. Consulate in Sao Paulo, Brazil, electronic communication to USDOL official, September 28, 2001. The program has 323 reference centers in capital cities, particularly in areas where commercial sexual exploitation and trafficking occur most frequently. See U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁴⁶³ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 868*, September 6, 2002.

⁴⁶⁴ Viviane Lima, *O Povo, CE*, September 20, 2001, 18, as cited in CPI do Turismo Sexual em Fortaleza já tem denúncias, Agencia de Notícias dos Direitos da Infancia.

The MPAS Program on the Eradication of Child Labor (PETI) gives stipends to families who remove children from work and keep them in school.⁴⁶⁵ In addition, PETI offers target children an after school program which includes school reinforcement, sports and art-related activities.⁴⁶⁶ By July 2002, PETI had provided services to approximately 800,000 children.⁴⁶⁷ In cooperation with the MTE, MPAS also has a program that provides skills training to adolescents between the ages of 15 and 17 for future employment and encourages them to become involved in the social development of their communities.⁴⁶⁸ The Ministry of Education (MEC) has developed *Bolsa Escola*, a preventive counterpart to the PETI program, which provides mothers with a monetary stipend. In return, the mothers agree to ensure that their children maintain at least an 85 percent attendance rate in school.⁴⁶⁹ *Bolsa Escola*, now providing stipends for over eight million children throughout Brazil, is the largest program of its kind in the world.⁴⁷⁰ The government has also designed special classes to address the problem of students who are forced to repeat grades,⁴⁷¹ created a school lunch program which seeks to promote children's attendance,⁴⁷² and raised the average wage paid to teachers by 12.9 percent nationally and up to 49.2 percent in the Northeast region.⁴⁷³ These programs are partly supported through the new Fund to Combat Poverty.⁴⁷⁴

⁴⁶⁵ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1715*, November 9, 2000. While state and municipal governments are responsible for implementing a large part of the program at the local level, the Federal Ministry of Welfare and Social Assistance provides guidelines and most of the funding. See U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*. The government's PETI grew from a pilot project in a few municipalities in two states in 1996 to all 26 states and the federal capital by the end of 2001. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Brazil*, Washington, D.C., March 4, 2002, 2647-57, Section 6d [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8305.htm>. In 2002, the PETI program adopted the MTE list of worst forms of child labor as a framework for selecting labor activities to include in the program. U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁴⁶⁶ Ministry of Welfare and Social Assistance, *Programa de Erradicação do Trabalho Infantil - PETI: Manual de Orientações*, Brazil, May 2002, 1st Edition, 9-10.

⁴⁶⁷ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁴⁶⁸ Ministry of Labor and Employment, *Programas em Parcerias: Agente Jovem*, online, [cited October 4, 2002]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Programas/Conteudo/agente.asp>.

⁴⁶⁹ Mittelhauser, electronic communication, September 28, 2001.

⁴⁷⁰ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁴⁷¹ Ministry of Education/Secretary of Basic Education, *Ensino Fundamental, Programa de Aceleração da Aprendizagem*, [online] [cited September 13, 2002]; available from <http://www.mec.gov.br/sef/fundamental/proacele.shtm>.

⁴⁷² Ministry of Education, *Programa da Merenda Escolar é destaque em 2001*, (Noticias - Dezembro/2001), [online] December 26, 2001 [cited October 6, 2002]; available from <http://www.mec.gov.br/acs/asp/noticias/noticiasId.asp?Id=1883&idOrgao=001006>.

⁴⁷³ UNESCO, *Education for All 2000 Assessment: Country Reports- Brazil*, prepared by National Institute for Educational Studies and Research, pursuant to UN General Assembly Resolution 52/84, [cited December 13, 2002]; available from <http://www2.unesco.org/wef/countryreports/brazil/contents.html>.

⁴⁷⁴ The *Salário-Educação*, made into law in 1996, is a social contribution in the amount of 2.5 percent of the payroll of businesses and industries with more than one hundred employees. This contribution is deposited into the budget that supports public basic education. See U.S. Department of Labor, *Needs Assessment for the Brazil Child Labor Education Initiative*, prepared by Dr. Flavia S. Ramos, pursuant to request by DOL, May 15 - July 5, 2002, 18, 20.

The World Bank provides assistance for seven projects in Brazil,⁴⁷⁵ including *Projeto Nordeste* and *FUNDESCOLA*, which aim to improve primary education mainly in the poorer region of the Northeast.⁴⁷⁶ The IDB is assisting the Ministry of Education with three projects that address shortcomings in secondary and higher education, especially in impoverished regions and among disadvantaged groups.⁴⁷⁷ In addition, the IDB approved a USD 500 million loan to Brazil in August 2002 to support country investment in monetary transfer payment programs for poor families in the areas of nutrition, primary school attendance, child labor prevention, and youth skills training.⁴⁷⁸ These projects make up part of the federal social service umbrella program, *Projeto Alvorada*, which attempts to integrate the various education, health, income and employment generation, and social development cash-grant projects financed by the federal government for states and municipalities with families living below the average Brazilian human development index.⁴⁷⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14.4 percent of children ages 10 to 14 years in Brazil were working.⁴⁸⁰ Of all males ages 5 to 14 years, 11.7 percent were working; of all females ages 5 to 14, 6 percent were working.⁴⁸¹ Child labor occurs more frequently in northeastern Brazil than in

⁴⁷⁵ World Bank, *O Banco Mundial e a educação no Brasil*, [online] [cited October 4, 2002]; available from <http://lnweb18.worldbank.org/external/lac/lac.nsf/4c794feb793085a5852567d6006ad764/db89b189f2a19a7d8525693f0069dbda?OpenDocument>.

⁴⁷⁶ 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 Progress Report for the Federative Republic of Brazil*, online, 22116-BR, May 1, 2001, 7, [cited October 4, 2002]; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/05/19/000094946_01050804481522/Rendered/PDF/multi0page.pdf.

⁴⁷⁷ Inter-American Development Bank, *Diversity in Access to Higher Education*, 1406/OC-BR, June 7, 2002, [cited September 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/br1406e.pdf>. See also Inter-American Development Bank, *Improvement and Expansion Program for Secondary Education*, BR-0300, November 1999, [cited September 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/br1225e.pdf>. See also Inter-American Development Bank, *Sector Program to Build Human Capital*, BR-0360, December 2001, [cited September 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/br1378e.pdf>.

⁴⁷⁸ Inter-American Development Bank, *IDB Disburses \$250 Million to Support Investment in Human Capital in Brazil*, [press release] August 2, 2002 [cited August 8, 2002]; available from <http://www.iadb.org/exr/PRENSA/2002/cp16202e.htm>.

⁴⁷⁹ Projeto Alvorada, *Descrição do Projecto*, [online] [cited October 4, 2002]; available from http://alvorada.planejamento.gov.br/frame_descricao.asp?Opcao=Descricao.

⁴⁸⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1998, UNICEF estimated that 8.9 percent of children ages 5 to 14 in Brazil were working. Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Brazil, *Pesquisa Nacional por Amostra de Domicílios*, Understanding Children's Work, [online] 1998 [cited October 1, 2002]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=135.

⁴⁸¹ Government of Brazil, *Pesquisa Nacional*.

any other region and is particularly common in rural areas.⁴⁸² Children work on commercial citrus, sugar cane, and sisal⁴⁸³ farms; in traditional sectors of the Brazilian economy, including the informal footwear, mining and charcoal industries;⁴⁸⁴ and as domestic servants⁴⁸⁵ and scavengers in garbage dumps.⁴⁸⁶ Children are involved in prostitution,⁴⁸⁷ pornography,⁴⁸⁸ and the trafficking of drugs,⁴⁸⁹ and are victims of internal trafficking networks that transport them to mining and construction sites and tourist areas for the purposes of prostitution.⁴⁹⁰ A 2002 report revealed that adolescent girls are being trafficked internationally with falsified documents for the purposes of prostitution.⁴⁹¹ Children are also reported to serve as “soldiers” in drug gangs that control most of Rio de Janeiro’s shantytowns.⁴⁹² Approximately 90 percent of working children are found in the informal sector, and nearly half receive no income.⁴⁹³

Basic education (grades one through eight) is free and compulsory for children between the ages of 7 and 14.⁴⁹⁴ In 1998, the gross primary enrollment rate was 154.1 percent, and the net primary enrollment rate was 95.3 percent.⁴⁹⁵ Child labor contributes to the “age-to-grade” distortion of

⁴⁸² Ministry of Labor and Employment, *Quantitativo dos Ocupados na Semana de Referencia, PNAD - 1999*, September 26, 2001. In 1999, an estimated 57 percent of working boys and 52 percent of working girls between ages 5 and 15 lived in rural regions. See Ministry of Labor and Employment, *Ocupados por área geoeconômica Rural ou Urbana, PNAD - 1999*, September 26, 2001.

⁴⁸³ A plant that yields a stiff fiber used for cordage and rope.

⁴⁸⁴ U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

⁴⁸⁵ UN Wire, *Child Labor: U.N.-Sponsored Seminar in Brazil Looks at Problem; More*, United Nations Foundation, [online] March 20, 2002 [cited March 21, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=24840. ILO estimates indicate that there are over 500,000 children and adolescents employed as domestic servants in Brazil. U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁴⁸⁶ A 2000 national survey on basic sanitation estimated that of 25,000 trash pickers nation-wide, 22 percent were younger than 14 years. “Brazil: Children Put to Work in Dump, Official Says,” *South Florida Sun-Sentinel*, July 14, 2002.

⁴⁸⁷ U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d. See also Protection Project, “Brazil,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002, “Scope of the Problem: Statistics and Cases” [cited September 13, 2002]; available from <http://209.190.246.239/ver2/cr/Brazil.pdf>.

⁴⁸⁸ Xisto Tiago de Medeiros Neto, *A crueldade do Trabalho infantil*, (Diario de Natal, Opinio), [online] October 21, 2000 [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/noticias/noticia17.html>. See also UNICEF, *Pornografia Infantil é Crime Denuncie!*

⁴⁸⁹ Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002.

⁴⁹⁰ Protection Project, “Brazil.”

⁴⁹¹ PESTRAF-BRASIL, *Pesquisa sobre Tráfico de mulheres, Crianças e Adolescentes para Fins de Exploração Sexual Comercial: Relatório Nacional*, Brasília, June 2002, 48, 49 and 51.

⁴⁹² *Report Spotlights Children in Rio’s Drug War*, CNN Online, [online] December 13, 2002; available from <http://www.cnn.com/2002/WORLD/americas/09/10/brazil.child.soldiers.ap/index.html>.

⁴⁹³ U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

⁴⁹⁴ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*.

⁴⁹⁵ World Bank, *World Development Indicators 2002*.

children in school, a widespread characteristic of the Brazilian education system.⁴⁹⁶ In 1998, 89.9 percent of children ages 5 to 14 were attending school.⁴⁹⁷

Child Labor Laws and Enforcement

The minimum age for general employment was raised from 14 to 16 years and the minimum age for apprenticeships from 12 to 14 years after a 1998 Constitutional amendment.⁴⁹⁸ The 1990 Statute on Children and Adolescents (ECA) prohibits children under the age of 18 from working in unhealthy, dangerous and arduous conditions, at night, or for long hours that impede school attendance. It also prohibits children less than 18 years of age from carrying heavy loads and working in settings where their physical, moral or social being is at risk.⁴⁹⁹ Trafficking is also addressed in Brazilian laws. Under the Penal Code, it is illegal to hire workers with the intention of transporting them to another state or national territory.⁵⁰⁰ Brazil's Federal Criminal Statute provides for prison terms and fines to anyone caught prostituting or trafficking another individual (domestically or internationally) or running a prostitution establishment, with increased penalties for involving adolescents ages 14 to 17 years in such activities.⁵⁰¹ Located throughout the country, offices of the Centers for the Defense of Children and Adolescents are responsible for reporting violations of children's rights.⁵⁰²

The Ministry of Labor and Employment is responsible for training inspectors to determine child labor work site violations.⁵⁰³ In 2000, inspectors began to focus more on the informal sector although they were unable to enter private homes and farms where a large proportion of child labor is found.⁵⁰⁴ In the first eight months of 2002, an estimated 3,250 inspectors conducted more than 19,500 inspections involving cases in which workers were under the age of 18.⁵⁰⁵ Employers that

⁴⁹⁶ "Age-to-grade distortion" refers to the number of children that are older than the average age that corresponds to a particular grade. For example, the average age for grade one is 7 years (but an example of age-to-grade distortion is a child of 9 years who is in grade one). U.S. Department of Labor, *Needs Assessment for the Brazil Child Labor Education Initiative*, 9.

⁴⁹⁷ Government of Brazil, *Pesquisa Nacional*.

⁴⁹⁸ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*. See also Emenda Constitucional no. 20, de 15/12/98, Public Labor Ministry, *O Ministério Público do Trabalho na Erradicação do Trabalho Infantil e na Proteção do Trabalho do Adolescente*, [online] [cited March 27, 2002]; available from <http://www.pgt.mpt.gov.br/trabinfantil/index.html>.

⁴⁹⁹ Public Labor Ministry, *Erradicação do Trabalho Infantil*.

⁵⁰⁰ Violators can be fined and incarcerated for one to three years. The punishment increases if the victim is younger than age 18. See Public Labor Ministry, *Trabalho Escravo: O Ministério Público do Trabalho na Erradicação do Trabalho Forçado*, [online] [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/trabescravo/atuacao.html>.

⁵⁰¹ A prison term may be anywhere from 1 to 10 years for such offenses. See Government of Brazil, *Federal Criminal Statute*, Articles 227-231, [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/StatutesPDF/Brazilf.pdf>.

⁵⁰² U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

⁵⁰³ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*.

⁵⁰⁴ U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

⁵⁰⁵ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

violate Brazil's child labor laws are subject to monetary fines, but the initial levying of fines usually occurs only after several violations.⁵⁰⁶

The Government of Brazil ratified ILO Convention 138 on June 28, 2001 and ILO Convention 182 on February 2, 2000.⁵⁰⁷

⁵⁰⁶ Ibid.

⁵⁰⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 13, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Bulgaria

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

The Government of Bulgaria is an associated member of ILO-IPEC.⁵⁰⁸ In 2002, the Government of Bulgaria adopted a National Action Plan Against the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor by focusing on such issues as education and new legislation.⁵⁰⁹ In 2001, the government produced the Strategy and Action Plan on Protecting the Rights of Children in Bulgaria that focuses on promoting the welfare of children.⁵¹⁰ The government's Committee for Young People and Children was revitalized in the mid-1990s, and coordinates the action of government ministries to protect the rights of children.⁵¹¹ The Ministry of Labor and Social Policy has collaborated with NGOs to develop projects promoting education for vulnerable groups.⁵¹² In addition, the Ministry of Education, Science and Technologies has initiated programs to boost regular attendance rates, prevent dropouts among children, and build awareness of labor rights for children.⁵¹³ Under an ILO-IPEC preparatory project, a sample survey on child labor in Bulgaria was completed in 2001.⁵¹⁴

International financial institutions and organizations are providing support to the Government of Bulgaria in regard to children's issues. The World Bank funded a four-year education modernization project in the country in 2000 and a three-year child welfare reform project in

⁵⁰⁸ ILO-IPEC, *All about IPEC: Programme Countries*, [online] August 13, 2001 [cited September 14, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁵⁰⁹ U.S. Embassy- Sofia, *unclassified telegram no. 2498*, October 2002.

⁵¹⁰ The action plan was developed in 2000 and updated in the 2001 governmental program plan. See Government of Bulgaria, *Strategy and Action Plan on Protecting the Rights of Children in Bulgaria 2000-2003*, April 2001, 1.

⁵¹¹ UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1992: Bulgaria*, CRC/C/8/Add.29, prepared by Government of Bulgaria, pursuant to Article 44 of the Convention on the Rights of the Child, 1995.

⁵¹² Deputy Prime Minister and Minister of Labor and Social Policy, Mrs. Lidia Shuleva, Statement at the United Nations Special Session on Children, May 10, 2002, [cited September 19, 2002]; available from <http://www.un.org/ga/children/bulgariaE.htm>. Government and NGO initiatives to subsidize schooling expenses have achieved some successes. An ethnic reintegration effort involving children of Roma ethnicity began in some of the country's schools in 2000 and was subsequently expanded. See U.S. Department of State, *Country Reports on Human Rights Practices-2001: Bulgaria*, Washington, D.C., March 4, 2002, 1367-72, Section 5 [cited September 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8238.pf.htm>.

⁵¹³ Some of the Ministry of Education's programs are being implemented in cooperation with UNESCO or NGOs. See UN Committee on the Rights of the Child, *Summary Record of the 347th Meeting: Consideration of Reports of States Parties: Bulgaria*, CRC/C/SR.347, United Nations, Geneva, March 4, 1997, 7. See also U.S. Embassy- Sofia, *unclassified telegram no. 4519*, June 2000.

⁵¹⁴ ILO-IPEC, *At a Glance: IPEC's technical Cooperation Activities in Europe and Central Asia*, (included in an email communication dated March 6, 2002) 1, 3.

2001.⁵¹⁵ UNICEF and ECPAT International sponsored a seminar on commercial sexual exploitation of children in Bulgaria in 2001.⁵¹⁶ The International Organization on Migration (IOM) is engaged in a regional effort on the trafficking of women and children in the Balkans, including Bulgaria, to raise awareness, return and reintegrate the victims of trafficking, and build government capacity. IOM is also working with the Ministry of Education, Science and Technology to implement a public awareness campaign in the country's schools on the trafficking of women and children.⁵¹⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14 percent of children between ages 5 to 17 years in Bulgaria were working.⁵¹⁸ Children engaging in paid work outside of the home work in the commercial and service sectors, forestry, transport and communications, industry, construction, and agriculture.⁵¹⁹ Children also engage in unpaid work for family businesses or farms, and in their households.⁵²⁰ Children engage in heavy physical labor and are exposed to health hazards on tobacco farms.⁵²¹ The prostitution of children often occurs through organized crime rings.⁵²² According to the Ministry of the Interior, in 2001 there were a total of 340 reported under-age prostitutes, up by 23 percent relative to 2000.⁵²³ The police estimate that 10 percent of prostitutes are minors.⁵²⁴ Some

⁵¹⁵ World Bank, *Education Modernization Project*, [online] [cited September 19, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P055158>. See also World Bank, *Child Welfare Reform Project*, [online] [cited September 19, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P064536>.

⁵¹⁶ ECPAT International, *ECPAT International Newsletters: Report on Multi-disciplinary Seminars in Central and Eastern Europe*, [online] December 1, 2001 [cited September 19, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/IRC/articles.asp?articleID+284&NewsID=30.

⁵¹⁷ International Organization for Migration, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001, 2, 4-6 [cited December 13, 2002]; available from http://www.iom.int/en/PDF_Files/other/Balkan_strategy.pdf. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Bulgaria*, Washington, D.C., June 2002, 33.

⁵¹⁸ Six percent of children (83,000) work for payment, 32 percent (418,000) work on the household farm, and 47 percent (611,000) work in the household. Of the children performing paid labor, 94.1 percent do not have a contract. See ILO-IPEC, *Problems of Child Labor in the Conditions of Transition in Bulgaria: Study project*, Sofia, 2000, 13, 31-32.

⁵¹⁹ Ibid., 32. Examples of employment include work in textile factories and restaurants. See U.S. Department of State, *Country Reports- 2001: Bulgaria*, 1372-75, Section 6d. Child labor also exists in the informal sector, and is believed to be increasing in this and the agricultural sector due to the breakup of collective farms and the ensuing economic transition. Young children, particularly among the minority Roma population, work as panhandlers. See U.S. Department of State, *Country Reports- 2001: Bulgaria*, 1367-75, Sections 5 and 6d.

⁵²⁰ ILO-IPEC, *Problems of Child Labor*, 32-36.

⁵²¹ Many children working on tobacco farms are ethnic Turkish. See U.S. Department of State, *Country Reports- 2001: Bulgaria*, 1372-75, Section 6d.

⁵²² ILO-IPEC, *Problems of Child Labor*, 55.

⁵²³ U.S. Embassy- Sofia, *unclassified telegram no. 2498*.

⁵²⁴ European Parliament, *Trafficking in Women*, working paper, Brussels, March 2000, 60.

girls working in the commercial sex industry are 12 and 13 years old.⁵²⁵ Trafficking in young girls for sexual exploitation is also a problem in Bulgaria. Girls as young as 14 years of age have been kidnapped and smuggled out of the country to destinations across Europe.⁵²⁶

Education is compulsory up to the age of 16 under the National Education Act of 1991, with children typically starting school at the age of 6 or 7.⁵²⁷ In 1998, the gross primary enrollment rate was 101.0 percent, and the net primary enrollment rate was 93.4 percent.⁵²⁸ Roma children have particularly low attendance and high dropout rates.⁵²⁹ National primary school attendance rates are unavailable for Bulgaria. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁵³⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. An exception to the Labor Code provides that children under 16 can work in government-approved jobs with the consent of a parent, however, children may not work in hazardous conditions until the age of 18 years.⁵³¹ Children under 18 are required to work reduced hours and are prohibited from overtime and night work.⁵³² The Family Code establishes legal protections for children working in family businesses.⁵³³ In 2000, the Child Protection Act was enacted, which prohibits the employment of children in begging and prostitution, among other potentially harmful acts.⁵³⁴ The Constitution prohibits forced labor,⁵³⁵ and the Penal Code forbids procuring women for prostitution, abducting a

⁵²⁵ ILO-IPEC, *Problems of Child Labor*, 55.

⁵²⁶ Bulgaria is a source, transit, and destination country for human trafficking. No official statistics on trafficking of children are available. Bulgarian women and those in transit through the country are trafficked to Albania, Austria, Bosnia, Cyprus, the Czech Republic, Denmark, France, Kosovo, Germany, Italy, Greece, Macedonia, Poland, the Netherlands, South Africa, Spain, and Turkey. In addition, victims have been trafficked into Bulgaria from Georgia, Ukraine, Moldova, Romania, Russia, Lithuania, and Latvia. See U.S. Department of State, *Trafficking in Persons Report- Bulgaria*, 33. See also U.S. Department of State, *Country Reports- 2001: Bulgaria*, 1372-75, Section 6f.

⁵²⁷ Government of Bulgaria, *National Education Act*, (State Gazette, No. 86/18.10.1991), [cited September 20, 2002], Articles 6, 7; available from <http://www.bild.net/legislation/>.

⁵²⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁵²⁹ The Roma are an ethnic minority in Bulgaria. ILO-IPEC, *Problems of Child Labor*, 64. See also U.S. Embassy-Sofia, *unclassified telegram no. 4519*.

⁵³⁰ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

⁵³¹ Children under age 16 may also be employed within the "sphere of culture," including film, theater, or entertainment. Comprehensive Bulgarian legislation pertaining to child labor can be found in the Labor Code, Chapter 15, Section I, "Special Protection of Children," Articles 301-305. See ILO-IPEC, *Problems of Child Labor*, 59-60. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Bulgaria*.

⁵³² *Bulgaria Labor Code*, Articles 137, 40 and 47 [cited September 20, 2002]; available from <http://www.bild.net/index.htm>.

⁵³³ ILO-IPEC, *Problems of Child Labor*, 60.

⁵³⁴ *Ibid.*, 59. See also Statement by Mrs. Lidia Shuleva at the United Nations Special Session on Children.

⁵³⁵ *Constitution of Bulgaria, 1991*, Article 48 (4) [cited September 20, 2002]; available from http://www.uni-wuerzburg.de/law/bu000000_.html.

woman for the purposes of sexual exploitation, and depriving any individual of his or her liberty.⁵³⁶ As of 2002, the Penal Code also prohibits child prostitution and trafficking in children,⁵³⁷ but there are no specific laws governing or prohibiting child pornography.⁵³⁸

The Ministry of Labor and Social Policy is responsible for enforcing child labor laws, and they are generally well enforced in the formal sector.⁵³⁹ There are reports, however, that low funding and other economic priorities hamper enforcement.⁵⁴⁰

The Government of Bulgaria ratified ILO Convention 138 on April 23, 1980 and ILO Convention 182 on July 28, 2000.⁵⁴¹

⁵³⁶ Article 142a prohibits trafficking by criminalizing the illegal deprivation of liberty of a person and, in cases involving minors, establishes a penalty of jail for three to 10 years. Articles 155 and 156 prohibit the abduction or persuasion of a female for prostitution, and Article 188 sets specific penalties of up to six years imprisonment for those who compel a minor to engage in prostitution. See Government of Bulgaria, *Penal Code*, [cited September 20, 2002]; available from <http://www.protectionproject.org>.

⁵³⁷ U.S. Embassy- Sofia, *unclassified telegram no. 2498*.

⁵³⁸ ECPAT International, *Europe I: Mission Report, August 29th-September 29th*, October 2002.

⁵³⁹ U.S. Department of State, *Country Reports- 2001: Bulgaria*, 1372-75, Section 6d.

⁵⁴⁰ U.S. Embassy- Sofia, *unclassified telegram no. 5059*, October 2001.

⁵⁴¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 20, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Burkina Faso

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

The Government of Burkina Faso developed a national plan of action on child labor,⁵⁴² and has been a member of ILO-IPEC, since 1999.⁵⁴³ In a 2001 diplomatic note to foreign ministries, the government appealed to the international community to help eradicate child trafficking and reaffirmed its commitment to conventions guaranteeing children's rights.⁵⁴⁴ Burkina Faso is one of nine countries participating in the USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.⁵⁴⁵ The government and ILO-IPEC have also launched a national program to contribute to the elimination of the worst forms of child labor.⁵⁴⁶ In 2002, the government was preparing to implement a national child labor survey in Burkina Faso, with technical assistance from ILO-IPEC's SIMPOC, to measure the nature and extent of child labor at the national level.⁵⁴⁷ In May 2001, the military held a workshop on children's rights, and the government organized seminars for customs officers on how to detect and apprehend child traffickers.⁵⁴⁸ The government is also producing and distributing documentaries on child labor in the mining, apprenticeship, and domestic service sectors, and producing a television series on child labor.⁵⁴⁹

In September 2002, the Government of Burkina Faso launched a 10-Year Basic Education Development Plan (2001-2010), which is projected to cost CFA 235 billion (USD 373 million).⁵⁵⁰ Eighty-two percent of the funding for the education plan will be allocated to improve primary

⁵⁴² The national plan of action and sector specific plans of action were based upon studies conducted from November 1997 to May 1998, on child labor in gold washing, agriculture and animal husbandry, girls working in urban environments and child apprenticeship in hazardous industries. Ambassador Tertius Zongo, *La Lutte Contre le Travail des Enfants au Burkina Faso*, public comment submitted to the U.S. Department of Labor, Washington, D.C., September 2002, 8.

⁵⁴³ ILO-IPEC, *All about IPEC: Programme Countries*, [online] February 12, 2002 [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm>.

⁵⁴⁴ U.S. Embassy- Ouagadougou, *unclassified telegram no.1505*, September 2001.

⁵⁴⁵ The regional child trafficking project now covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

⁵⁴⁶ Ambassador Tertius Zongo, *public comment*, September 2002, 8. See also ILO-IPEC, *IPEC Action Against Child Labor 2000-2001: Progress and Future Priorities*, annual report, Geneva, January 2002, 62.

⁵⁴⁷ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

⁵⁴⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁴⁹ Ibid. See also Ambassador Tertius Zongo, *public comment*, September 2002, 9.

⁵⁵⁰ Integrated Regional Information Networks, "Burkina Faso: Focus on New Plan for Basic Education", IRINnews.org, [online], September 23, 2002 [cited September 23, 2002]; available from http://www.irinnews.org/report.asp?ReportID=30039&SelectRegion=West_Africa&SelectCountry=BURKINA_FASO.

school level education, primarily in rural areas.⁵⁵¹ Between the years 1990 and 2000, the government increased the portion of the education budget dedicated to basic education and invested in the construction of additional school facilities.⁵⁵² UNICEF has worked with the government to fund programs such as the building of satellite schools and non-formal basic education centers, promoting community participation in schooling, producing textbooks, and building the capacity of the education system.⁵⁵³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 43.5 percent of children ages 10 to 14 years in Burkina Faso were working.⁵⁵⁴ In Burkina Faso, most working children are found in agriculture, gold washing and mining, and informal sector activities including domestic service.⁵⁵⁵ Burkina Faso is a source, transit, and destination country for trafficked children.⁵⁵⁶ Children trafficked into Bobo-Dioulasso and Ouagadougou to work as domestic servants, street vendors, in agriculture, and in prostitution.⁵⁵⁷ An ILO study estimated that more than 81,000 children in Burkina Faso's two largest cities, Bobo-Dioulasso and Ouagadougou, have been "placed" in work situations by an intermediary.⁵⁵⁸ The HIV/AIDS epidemic has orphaned numerous children, thereby increasing the population of street children, an at-risk group for child labor.⁵⁵⁹

⁵⁵¹ Ibid. For currency conversion see FX Converter, [online] [cited November 13, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

⁵⁵² World Bank, *Burkina Faso Qualifies for HIPC Debt Relief Totaling USD 700 Million: West African Country Completes Original HIPC Initiative and Qualifies for Additional Relief Under Enhanced Framework*, news release, no. 2001/008/S, Washington, D.C., July 11, 2000, [cited August 13, 2002]; available from <http://www.worldbank.org>.

⁵⁵³ UNICEF, *Girls' Education in Burkina Faso*, [online] [cited September 1, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Fasofinal.PDF. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Burkina Faso*, CRC/C/15/Add.193, United Nations, October 2002, para. 50 [cited December 26, 2002]; available from <http://www.unhchr.ch/html/menu2/6/crc/doc/co/burkinaCO2.pdf>.

⁵⁵⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁵⁵⁵ Ambassador Tertius Zongo, *public comment*, September 2002, 7. Children start working in the mining sector in Burkina Faso as part of households, at the age of 6. In one mining town in northern Burkina Faso half the residents were under 15 and most of them worked in mines. Under government regulations, children should be over the age of 19 before they work underground in mines. In reality some children are barely teenagers before they begin such work. Accidents are frequent as is collapse due to the crowding of people digging in mineshafts. Ambassador Tertius Zongo, *public comment*, September 2002.

⁵⁵⁶ U.S. Department of State, *Trafficking in Persons Report- 2002: Burkina Faso*, Washington, D.C., June 5, 2002, 34 [cited December 26, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁵⁵⁷ ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa*, synthesis report, Abidjan, 2001, 9, 11 [cited December 26, 2002]; available from <http://www.ilo.org/public/english/standards/ipcc/publ/field/africa/central.pdf>.

⁵⁵⁸ Christopher Palmer, U.S. Embassy- Ouagadougou, electronic communication to USDOL official, April 15, 2002.

⁵⁵⁹ President of Burkina Faso, H.E.M Blaise Compaore, Address at the XII International Conference on AIDS and Sexually Transmitted Diseases in Africa (CISMA), August 10, 2001, [cited December 26, 2002]; available from <http://www.cisma2001.bf/us/index.htm>.

In 1996, the Education Act made schooling compulsory from age 6 to 16.⁵⁶⁰ In 1998, the gross primary enrollment rate was 42.3 percent, and the net primary enrollment rate was 33.9 percent.⁵⁶¹ School enrollment is lower among children in rural areas, and particularly among girls.⁵⁶² In 1992/3, the gross primary school attendance rate was 39.8 percent while the net primary school attendance rate was 31.1 percent.⁵⁶³ Attendance rates also reflected the gender disparity in access to education; in 1992-1993, the gross attendance rate for boys was 47 percent and 32.5 percent for girls.⁵⁶⁴ The net attendance rate was 36.2 percent for boys and 26 percent for girls.⁵⁶⁵ In principle, the government bears the cost of primary and secondary education, but communities are frequently responsible for constructing primary school buildings and teachers' housing. Even when schools are present, many families cannot afford school fees.⁵⁶⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment in Burkina Faso at 14 years, but children who are 12 or 13 years old may perform light work for up to four and a half hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.⁵⁶⁷ Therefore according to the law, children may start working fulltime at age 14, but are required to remain in school until the age of 16.⁵⁶⁸ Slavery and like practices, cruelty toward children, and the degradation of human beings are forbidden by the Labor Code (Article 2).⁵⁶⁹ While trafficking is not specifically forbidden, a number of laws may be used to prosecute traffickers.⁵⁷⁰ The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly proscribes

⁵⁶⁰ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1997: Burkina Faso*, CRC/C/65/Add.18, prepared by Government of Burkina Faso, pursuant to Article 44 of the Convention on the Rights of the Child, February 2002, paras. 341, 69.

⁵⁶¹ World Bank, *World Development Indicators 2002*.

⁵⁶² IMF and International Development Association, *Burkina Faso: Completion Point Document for the Original Heavily Indebted Poor Countries (HIPC) Initiative and Second Decision Point for the Enhanced HIPC Initiative*, Washington, D.C., June 2000, 10.

⁵⁶³ USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000. In 2000-2001, the reported attendance ratio was 42.7. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁶⁴ USAID, *Global Education Database 2000*.

⁵⁶⁵ *Ibid.*

⁵⁶⁶ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁶⁷ *Ibid.* See also Diedi Dembele, U.S. Department of State, electronic communication to USDOL official, December 5, 2001.

⁵⁶⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁶⁹ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Burkina Faso*, para. 455.

⁵⁷⁰ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1153*, June 2001.

the prostitution of persons less than 18 years of age.⁵⁷¹ Contributing to the corruption or debauchery of a minor is also illegal.⁵⁷² Penalties specified for these crimes apply even if the offences are committed in different countries.⁵⁷³

The Ministry of Social Affairs and the Directorate of Labor, Health, and Security, Child Labor and Trafficking Division at the Ministry of Labor enforce child labor laws.⁵⁷⁴ The Ministry of Labor has few inspectors to enforce labor laws, and the government has minimal resources to conduct child labor investigations.⁵⁷⁵ In 1997, the government conducted an investigation targeting the employers of 2,000 children in the agriculture, mining, and domestic sectors, and in 2001, the government prosecuted a foreign national accused of trafficking children in Burkina Faso.⁵⁷⁶

The Government of Burkina Faso ratified ILO Convention 138 on February 11, 1999 and ILO Convention 182 on July 25, 2001.⁵⁷⁷

⁵⁷¹ 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 of 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, *Criminal Code*, Articles 334 and 34-1 [cited October 13, 2002]; available from www.protectionproject.org.

⁵⁷² Article 334-1 of the Burkina Faso Criminal Code makes illegal the *regular* contribution to the corruption of a juvenile under age 21 and the *occasional* contribution to the corruption of a juvenile under age 16. *Ibid.*, Article 334-1.

⁵⁷³ *Ibid.*

⁵⁷⁴ Penalties for child labor law violations include 3-month to 5-year prison sentences and fines ranging from CFAF Franc-BCEAO 5,000 to 600,000 (USD 8 to USD 902). See U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>, [cited October 12, 2002].

⁵⁷⁵ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁷⁶ No child labor investigation or inspection has resulted in convictions or the imposition of fines, with the exception of efforts made to prosecute child traffickers. In May 2001, the governments of Burkina Faso and Cote D’Ivoire worked together to repatriate 104 children from Cote D’Ivoire. In June 2001, 10 children from Niger, ages 6 to 15, were intercepted by Burkinabe police in Dori. Also in 2001, police arrested and prosecuted a Ghanaian national for child trafficking. See U.S. Embassy- Ouagadougou, *unclassified telegram 1153*. See also U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁷⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.

Burundi

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

Burundi is an associated country of ILO-IPEC.⁵⁷⁸ In 1992, the government established the National Plan of Action for the Survival, Development and Protection of Rights of Children. Among the goals to be achieved by 2000, the National Plan sought to universalize education for children between 7 and 12 years of age, increase the net enrollment rate from 52 to 80 percent, reintegrate street children into the school system, and improve child protection services.⁵⁷⁹ In 2000, the government's Institute of Statistics and Economic Studies of Burundi and UNICEF published a national evaluative survey on the Living Conditions of the Children and Women in Burundi, which included assessments of education and child labor.⁵⁸⁰

The UN High Commissioner for Refugees has had projects in Burundi that reunite children with their parents, educate returnees, and provide education alternatives for adolescents.⁵⁸¹ In 2001 a four-year, USDOL-funded ILO-IPEC regional program designed to prevent the involvement of children in armed conflicts in Central Africa was initiated in Burundi.⁵⁸² The Ministry of Labor has provided strong support for these ongoing activities.⁵⁸³ UNICEF signed a Memorandum of Understanding (MOU) with the Government of Burundi in October 2001 with the goal of developing a program to address the problem of child soldiers by engaging both the Burundian army and the rebels.⁵⁸⁴

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 32.2 percent of children ages 5 to 14 years in Burundi were working.⁵⁸⁵ Approximately 79 percent of those children were active in domestic activities, such as

⁵⁷⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 22, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁵⁷⁹ UNICEF-Burundi, *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi*, preliminary report, Burundi Institute of Statistics and Economic Studies, December 2000.

⁵⁸⁰ *Ibid.*, 2, 5 and 12.

⁵⁸¹ ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, project document, Geneva, July 2001.

⁵⁸² *Ibid.*

⁵⁸³ ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, status report, Geneva, June 20, 2002.

⁵⁸⁴ UNICEF, *Children Affected by Armed Conflict: UNICEF Actions*, advance copy, New York, May 2002.

⁵⁸⁵ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. UNICEF-Burundi, *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi*, final report, Burundi Institute of Statistics and Economic Studies, March 2001, 39 [cited January 2, 2002]; available from <http://www.childinfo.org/MICS2/newreports/burundi/burundi.pdf>.

tending to the sick, carrying water, and caring for children.⁵⁸⁶ Slightly more than 2 percent of the children worked more than four hours per day.⁵⁸⁷ Children work as soldiers in Burundi.⁵⁸⁸ The most vulnerable elements of society, such as street children, are at high risk of exploitation by armed groups.⁵⁸⁹

Primary education in Burundi is compulsory for six years.⁵⁹⁰ In 1998, the gross primary enrollment rate was 51 percent (45.8 percent for girls and 56.2 percent for boys), and the net primary enrollment rate was 37.7 percent (34.3 percent for girls and 41.1 percent for boys).⁵⁹¹ Only 47 percent of school-age children regularly attend primary school (43.7 percent for girls and 50.5 percent for boys).⁵⁹² Enrollment and attendance have been adversely affected by the military conflict. In some high conflict areas many parents have been disinclined to send their children to school, and increasing numbers of teachers have refused to take the risks involved in traveling to work.⁵⁹³

Child Labor Law and Enforcement

The minimum age for employment is 16 years, except in cases of light, non-hazardous work or apprenticeships, provided that the work is not dangerous to the health of the child and does not interfere with their normal childhood development or education.⁵⁹⁴ The Labor Code amendment of 1993 calls for the inspection of work places in order to protect the health and welfare of children and adolescents.⁵⁹⁵ Upon a first offence, violators may face a fine between 5,000 and 10,000 Burundi Francs (USD 6-12) and repeat offenders face fines ranging from 10,000 to 20,000 francs (USD 13-24).⁵⁹⁶ Reliable information on enforcement of child labor laws is not available.

⁵⁸⁶ Ibid.

⁵⁸⁷ Ibid., 5 and 39. See also UNICEF-Burundi, *Enquete Nationale d’Evaluation, preliminary report*, 12.

⁵⁸⁸ The use of child soldiers in Burundi is widely recognized. See, for instance, U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Burundi*, Washington, D.C., March 4, 2002, 70-72, Section 6c [cited November 7, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8280.htm>.

⁵⁸⁹ ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children, project document*, 5.

⁵⁹⁰ UNESCO, *National Education Systems*, UNESCO Institute for Statistics, [database online] 1999 [cited August 22, 2002]; available from <http://www.unesco.org/education/information/wer/WEBtables/Ind4web.xls>.

⁵⁹¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁵⁹² UNICEF-Burundi, *Enquete Nationale d’Evaluation, final report*, 1.

⁵⁹³ UN Committee on the Rights of the Child, *Summary Record of the 645th Meeting: Burundi*, CRC/C/SR.645, United Nations, Geneva, September 26, 2000, [cited January 2, 2003]; available from <http://www.unhchr.ch/tbs/doc.nsf>. See also U.S. Department of State, *Country Reports- 2001: Burundi*, 69-70, Section 5.

⁵⁹⁴ Government of Burundi, *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*, 1/037, (July 7, 1993), [cited January 2, 2003]; available from <http://natlex.ilo.org/txt/t1>.

⁵⁹⁵ Ibid., Articles 128 and 56.

⁵⁹⁶ Ibid., Article 293. For currency conversion see FX Converter, [online] [cited August 13, 2002]; available from <http://www.oanda.com/convert/classic>.

The Government of Burundi ratified ILO Convention 138 on July 19, 2000 and Convention 182 on June 11, 2002.⁵⁹⁷

⁵⁹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Cambodia

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

The Government of Cambodia has been a member of ILO-IPEC since 1997.⁵⁹⁸ The government has adopted national action plans on the protection of vulnerable children⁵⁹⁹ and on combating the trafficking and sexual exploitation of children.⁶⁰⁰ The National Institute of Statistics (NIS), with technical assistance from ILO-IPEC's SIMPOC, included a module of questions on child labor in its 1996 and 1999 socioeconomic surveys, and a survey exclusively on child labor was conducted in 2001 with sponsorship from ILO-IPEC.⁶⁰¹

The Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) authorized the establishment of a Sub-Committee on Combating Trafficking and Sexual Exploitation of Children in December 2000,⁶⁰² and the government created a "Child Safe Tourism Commission" that trains relevant officials and employers to prevent the sexual exploitation of children.⁶⁰³ The Ministry of the Interior (MOI) established a special anti-trafficking unit to train police on investigative techniques and victim rights and to facilitate court proceedings.⁶⁰⁴ A joint project with the MOI, UNICEF, IOM, World Vision International, the United Nations Cambodia Office of the High Commission for Human Rights, and Redd Barna developed training materials and procedures for ongoing MOI police training to combat sexual exploitation and established a hotline to report crimes.⁶⁰⁵ MOSALVY works with UNICEF and IOM to return trafficked children to their homes.⁶⁰⁶ ILO-IPEC is implementing an anti-trafficking project with funding from the United Kingdom's Department for International Development,⁶⁰⁷ and UNICEF has

⁵⁹⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited September 12, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁵⁹⁹ National Council for Children, *National Programme of Action for Children in Cambodia, 1998-2000*, Phnom Penh, 17.

⁶⁰⁰ National Council for Children, *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004*, Phnom Penh, April 2000.

⁶⁰¹ National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, Phnom Penh, September 2002. See also National Institute of Statistics- Cambodia, *Report on Child Labor in Cambodia- 1996*, Phnom Penh, 1997, [cited August 27, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/cambodia/cambodia.pdf>.

⁶⁰² "Cambodia Country Paper" (paper presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001), 3.

⁶⁰³ Zhang Ruiling Lei Bosong, "Cambodia Says 'No' to Sex Tourism," *Xinhua* (Phnom Penh), August 31, 2002.

⁶⁰⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: Cambodia*, Washington, D.C., June 5, 2002, 36 [cited August 2, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁶⁰⁵ "Cambodia Country Paper", 6. See also Laurence Gray, World Vision's CEDC Program Manager, interview with USDOL official, October 17, 2000.

⁶⁰⁶ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*, September 12, 2000.

⁶⁰⁷ The project focuses on the trafficking of women and children. See ILO, *ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, pamphlet, Bangkok.

established a Community-Based Child Protection Network that teaches children and community members about the hazards of trafficking, and trains individuals to identify potential victims and take action to protect them.⁶⁰⁸

The Government of Cambodia, with support from ILO-IPEC, conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts.⁶⁰⁹ In 2001, USDOL funded an ILO-IPEC project in Cambodia to eliminate hazardous child labor in salt production, commercial rubber plantations, and the fish and shrimp-processing sector.⁶¹⁰

The government published its Education Strategic Plan 2001-2005 in May 2001, establishing priorities to expand access to quality education opportunities, and to increase the institutional capacity of local schools and communities for involvement in educational decision-making.⁶¹¹ In 1999, the Ministry of Education, Youth and Sport (MOEYS) set a goal for 75 percent of all primary schools to have a complete range of classes through grade six by 2004.⁶¹² Currently, only 52 percent of public primary schools meet that target.⁶¹³ MOEYS began a Priority Action Program (PAP) in ten provincial towns in 1999, charging no school fees and providing books on loan.⁶¹⁴ Additional funds have been allocated to PAP programming, and the PAP target area has since expanded nationwide to include lower secondary schools, and also to support monitoring activities and remedial classes for grades 1-6.⁶¹⁵

In addition, MOEYS abolished start-of-year entry fees at the primary level in 2001, which reportedly led to a large increase in gross and net enrollment rates.⁶¹⁶ A Non-Formal Education Department within MOEYS focuses on delivering tailored education services to meet the needs of people of all ages, including working children.⁶¹⁷

⁶⁰⁸ Villages in the network also establish “village social funds” that provide vulnerable children with funds to attend school. UNICEF, *Profiting from Abuse: An Investigation into the Sexual Exploitation of Our Children*, New York, 2001, 24, 26.

⁶⁰⁹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*.

⁶¹⁰ ILO-IPEC, *Combating Child Labor in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Centers in Cambodia*, project document, CMB/01/P51/USA, Geneva, 2001.

⁶¹¹ Royal Government of Cambodia’s Ministry of Education, Youth, and Sport, *Education Strategic Plan 2001-2005*, Phnom Penh, May 2001, Foreword, 2.

⁶¹² Department of Planning, *Education in Cambodia*, Ministry of Education, Youth and Sport, Phnom Penh, July 1999, 14.

⁶¹³ Save the Children UK, *Cambodia 2002*, [online] [cited November 12, 2002]; available from http://www.savethechildren.org.uk/functions/indx_search.html.

⁶¹⁴ Students must still provide materials such as paper and pens. Director of Non-Formal Education, interview with USDOL official, October 17, 2000.

⁶¹⁵ Delays in releasing PAP funds have been a problem. See Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 25-26.

⁶¹⁶ *Ibid.*, 7.

⁶¹⁷ Director of Non-Formal Education, interview, October 17, 2000.

The government works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school. ILO-IPEC assisted the government to create a non-formal education program for former child workers.⁶¹⁸ The Asian Development Bank (ADB) is assisting the government in developing a comprehensive, long-term strategy for education development,⁶¹⁹ and is supporting MOEYS' efforts to increase equitable access to education, improve the efficiency of the system,⁶²⁰ facilitate management and fiscal decentralization, and construct schools in underserved areas.⁶²¹ Additionally, the World Bank is facilitating MOEYS' development of a participatory approach to improving school quality and performance through the effective management of available resources. The World Bank also provided assistance for the construction of schools in rural areas in 1999.⁶²² The Australian Government is assisting the Government of Cambodia to develop an effective school examination system.⁶²³ A new ADB project focuses on educational assistance to girls and indigenous populations by raising awareness among stakeholders and promoting the development of scholarship programs for lower secondary schooling.⁶²⁴

Incidence and Nature of Child Labor

In 1999, the NIS estimated that 9.8 percent of children ages 5 to 14 years in Cambodia were working.⁶²⁵ The vast majority of working children in Cambodia are engaged in the agriculture,

⁶¹⁸ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*.

⁶¹⁹ Asian Development Bank, *Country Assistance Plan, 2001-2003: Cambodia*, [online] December 2000 [cited August 18, 2002], Section C, item 77; available from <http://www.adb.org/Documents/CAPs/CAM/0303.asp?p=ctrycam>.

⁶²⁰ Asian Development Bank, *Cambodia: Education Sector Development Project*, online, LOAN-CAM 33396-02, February 23, 2000, [cited August 28, 2002]; available from <http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP>.

⁶²¹ Ibid.

⁶²² World Bank, *The World Bank and Cambodia*, online, May 2000, [cited August 21, 2002]; available from <http://wbln0018.worldbank.org/eap/eap.nsf/236c318fc341033852567%20c9006baf9a/a32746333316f90852567d700792a4c?OpenDocument>.

⁶²³ Australian Agency for International Development (AusAID), *Cambodia*, [online] [cited September 5, 2002], "Country Brief"; available from <http://www.ausaid.gov.au/country/country.cfm?CountryId=34>. The Australian Government also funds an NGO to train community teachers and establish schools in the rural highlands. See Australian Agency for International Development (AusAID), *Cambodia*, "Country Information".

⁶²⁴ Asian Development Bank, *Cambodia: Targeted Assistance for Education of Poor Girls and Indigenous Children in Cambodia*, online, Grant-CAM36152-01, April 19, 2002, [cited August 28, 2002]; available from <http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP>.

⁶²⁵ The survey was sponsored by UNDP and the Swedish International Development Cooperation Agency, and executed by the World Bank. The statistic is defined as children who worked "for pay, profit, or family gain." Approximately 32.6 percent of children ages 5-14 helped with household chores. National Institute of Statistics, *Report on the Cambodia Socio-Economic Survey 1999*, Ministry of Planning, Phnom Penh, 2000, 8, 38-40. The NIS conducted a new child labor survey in 2001, and preliminary results posted on the Internet indicate that 49.2 percent of children ages 5-14 worked and/or helped with household chores. Disaggregated statistics on children working for pay, profit, or family gain were not yet available. National Institute of Statistics, *Cambodia Child Labor Survey 2001*, Ministry of Planning, Phnom Penh, 2001, [cited October 3, 2002]; available from <http://www.nis.gov.kh/SURVEYS/CCLS2001/introduction.htm>.

forestry and fishing sectors.⁶²⁶ More children work in rural areas than in urban areas.⁶²⁷ Children also work in hazardous conditions in brick factories and on commercial rubber farms; in construction and salt production; and as stonecutters, fish processors, porters, street vendors, and garbage pickers.⁶²⁸ Street children engage in begging, shoe polishing and other income-generating activities.⁶²⁹ Children, primarily girls, also work as domestic servants.⁶³⁰

A 2000 report indicated that some children are held in debt bondage as commercial sex workers until they work off loans provided to their parents.⁶³¹ Cambodia is reported to be a country of origin, transit and destination for trafficking in persons for the purposes of prostitution and various forms of work, including bonded labor and begging. Children are trafficked internationally, mostly to Thailand, for the purposes of commercial sexual exploitation or bonded labor. Most victims trafficked into Cambodia come from Vietnam. Internal trafficking of children also occurs.⁶³²

The Constitution provides for nine years of free schooling to all citizens, but education is not compulsory.⁶³³ In 1998, the gross primary enrollment rate was 89.7 percent. The net primary enrollment rate was 78.3 percent, with 74 percent of girls enrolled as opposed to 82.4 percent of

⁶²⁶ UNDP and NORAD, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33-34. Data presented in this report were gathered in 1999. See UNDP and NORAD, *Cambodia Human Development Report*, ii. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Cambodia*, Washington, D.C., March 4, 2002, 841-45, Section 6d [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8283.htm>.

⁶²⁷ National Institute of Statistics, *Cambodia Socio-Economic Survey 1999*, 39-40.

⁶²⁸ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1077*, June 2000. See also United Nations, *Situation of Human Rights in Cambodia: Report of the Secretary-General, 52nd Session of the General Assembly*, A/52/489, Geneva, October 17, 1997, Point 167. See also Chea Pyden, "Garbage Collection Children," *Child Workers in Asia* vol. 16 no. 1 (January-April 2000), [cited July 29, 2002]; available from <http://www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm>.

⁶²⁹ UNDP and NORAD, *Cambodia Human Development Report*, 39.

⁶³⁰ *Ibid.*, 41. Most of these children are girls ages 12 to 15 from remote provinces. Many have never attended school. See Un Chanvirak and Chea Pyden, "Child Labor in Cambodia," *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis*, [cited July 29, 2002]; available from <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁶³¹ UNDP and NORAD, *Cambodia Human Development Report*, 37.

⁶³² U.S. Department of State, *Trafficking in Persons Report: Cambodia*, 36. See also UNDP and NORAD, *Cambodia Human Development Report*, 38. Illegal adoptions, sometimes involving the trafficking of babies, are a problem – in 2001, seven people were arrested and charged under the Trafficking Law for such activities. See U.S. Department of State, *Country Reports- 2001: Cambodia*, 840-41, Section 5.

⁶³³ Director of Non-Formal Education, interview, October 17, 2000. A 1999 MOEYS report noted that only half of Cambodia's primary schools provide a full six years of instruction and 28 districts are without a lower secondary school. Many children, especially girls, do not have access to secondary schools. See Department of Planning, *Education in Cambodia*, 14.

boys.⁶³⁴ Primary school attendance rates are unavailable for Cambodia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁶³⁵ Education is often inaccessible to minority groups, as classes are conducted only in the Khmer language. Promotion rates to the second grade for children in minority regions are significantly lower than the national average.⁶³⁶

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years, though children between the ages of 12 and 15 are permitted to do light work that is not hazardous and that does not affect regular school attendance or participation in other training programs. Under Article 368, employers who violate the law may be fined 31 to 60 days of the base daily wage.⁶³⁷ The Labor Law prohibits work that is hazardous to the mental and physical development of people under the age of 18, but the law does not define what types of work are considered hazardous.⁶³⁸ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector, and unemancipated children⁶³⁹ must have the consent of a parent or guardian in order to work.⁶⁴⁰ However, the Labor Law applies only to the formal sector.⁶⁴¹

⁶³⁴ UNESCO, *Education for All 2000 Assessment* [CD-ROM], Paris, 2000. Forty-two percent of girls over age 15 have never attended school, compared with 21 percent of boys. Among the factors frequently cited are long distances to school facilities and resulting safety concerns, lack of sanitary facilities, and the societal expectation for girls to take care of siblings while their parents work. For a discussion on the impact of gender on schooling, please see Thomas Hammarberg, *Situation of Human Rights in Cambodia: Report of the Special Representative of the Secretary-General for Human Rights in Cambodia*, 55th Session of the Commission on Human Rights, Geneva, February 26, 1999, submitted in accordance with Commission resolution 1998/60, U.N. Document E/CN.4/99/101, points 100-102.

⁶³⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁶³⁶ Hammarberg, *Situation of Human Rights in Cambodia*, point 108. MOEYS plans to develop additional strategies in 2003 to address the lack of quality education opportunities in these areas. See Ministry of Education, Youth, and Sport, *ESSP Review 2002*, 21-22.

⁶³⁷ Article 360 defines the base daily wage as "the minimum wage set by a joint *Prakas* [declaration] of the Ministry in charge of Labour and the Ministry of Justice." *Cambodian Labor Law*, Section VIII, Article 177, (March 13, 1997), [cited August 5, 2002]; available from http://www.moc.gov.kh/laws_regulation/rkm_labor_law_97_page1.htm.

⁶³⁸ The Minister of Labor and the Labor Advisory Committee are tasked with officially determining hazardous work for minors. *Ibid.*, Article 177. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*, December 6, 2001.

⁶³⁹ This legal term is used to refer to children under the control of a parent or guardian. See *Cambodian Labor Law*, Article 181.

⁶⁴⁰ *Ibid.*, 179, 81.

⁶⁴¹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*. Article One of the Labor Law states that it applies to every enterprise or establishment of industry, mining, commerce, crafts, agriculture, services, and land or water transportation. It states that it does not apply to domestics or household servants, unless otherwise expressly specified elsewhere in the law. See *Cambodian Labor Law*.

Article 15 of the Labor Law prohibits all forced labor, including in agriculture and domestic work.⁶⁴² The Constitution prohibits prostitution and the trafficking of women,⁶⁴³ and the 1996 Law on the Suppression of Kidnapping and Sale of Human Beings outlaws trafficking. Brothel owners, operators, and individuals who prostitute others are all subject to the 1996 law's penalties of prison terms between 10 to 20 years, depending on the age of the victim.⁶⁴⁴

MOSALVY is responsible for enforcing compliance with child labor laws.⁶⁴⁵ Since 2000, questions on child labor have been incorporated into routine labor inspections.⁶⁴⁶ However, the number of labor inspectors outside of Phnom Penh is limited, with no more than four labor inspectors per province.⁶⁴⁷ Although some traffickers have been arrested and prosecuted, enforcement of anti-trafficking laws is reportedly weak due to official corruption, inadequate police training, and insufficient resources.⁶⁴⁸

The Government of Cambodia ratified ILO Convention 138 on August 23, 1999, but has not ratified ILO Convention 182.⁶⁴⁹

⁶⁴² Article 16 prohibits hiring people to work to pay debts. See *Cambodian Labor Law*.

⁶⁴³ The Constitution refers to "the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women." *The Constitution of the Kingdom of Cambodia*, Article 46, [cited August 27, 2002]; available from <http://www.embassy.org/cambodia/cambodia/constitu.htm>.

⁶⁴⁴ The law stipulates 10 to 15 years of imprisonment for traffickers and their accomplices. Penalties increase if the victim is under age 15: customers of child prostitutes under age 15 face penalties of 10 to 20 years of imprisonment. See *Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings*, as promulgated by Royal Decree No. 0296/01, Article 3. Circular 13 on "Strengthening and Expanding Activities to Combat Trafficking in Women and Children," issued by the Prime Minister, contains requirements for government ministries to strengthen their interdiction efforts and calls for inclusion of trafficking issues into school curricula. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*.

⁶⁴⁵ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*.

⁶⁴⁶ *Ibid*.

⁶⁴⁷ Mar Sophea, ILO-IPEC National Program Manager, interview with USDOL official, 2000. The lack of labor inspectors has been identified as a critical obstacle to combating child labor. See ILO Governing Body, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Part II - Compilation of Annual Reports by the International Labor Office*, 283rd Session, GB.283/3/2, Geneva, March 2002, 297.

⁶⁴⁸ U.S. Department of State, *Trafficking in Persons Report: Cambodia*, 36. Fourteen Vietnamese women and girls, ages 12 to 20, who claimed to be trafficking victims were found guilty of illegal immigration in a Phnom Penh court. They were sentenced to jail terms of two to three months, and then ordered to be deported. See AP Worldstream, *Cambodia to Deport Alleged Victims of Human Trafficking*, [online] August 5, 2002 [cited August 6, 2002]; available from <http://www.protectionproject.org/main1.htm>.

⁶⁴⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newcountryframeE.htm>.

Cameroon

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

Cameroon is an associated country of ILO-IPEC.⁶⁵⁰ In 2001, the Government of Cameroon began collaborating with ILO-IPEC to participate in a USDOL-funded regional project to combat the trafficking of children in West and Central Africa.⁶⁵¹ The government has also developed a national action plan to combat child labor.⁶⁵² This plan focuses on community awareness raising and mobilization; developing and reinforcing the welfare and protection of working children; promoting both formal and informal education and apprenticeships; improving and strengthening child labor legislation; identifying partners for action, and establishing mechanisms for coordination, monitoring and evaluation.⁶⁵³ In that regard, the Government of Cameroon has established inter-ministerial programs to address child labor, notably those concerning the trafficking of children.⁶⁵⁴

The government has worked with UNESCO on the development of an Education for All Plan and a number of educational reforms are envisioned for the period 2000-2009, which include increasing the supply and quality of, and access to, basic education; improving the management capacity of education administrators; improving data collection and analysis; and mobilizing resources for basic education.⁶⁵⁵

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 23.7 percent of children ages 10 to 14 years in Cameroon were working.⁶⁵⁶ According to a study conducted in 2000 by the ILO, the Ministry of Labor, and NGOs, children in Cameroon work in the agricultural sector, in informal activities such as street vending and car washing, as domestic servants, and in prostitution and other illicit activities. It was also

⁶⁵⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited November 16, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁶⁵¹ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, RAF/01/P53/USA, Geneva, 2001.

⁶⁵² Republic of Cameroon, *Plan d'Action National de la Lutte contre le Travail des Enfants au Cameroun*, n.p., n.d., Ministry of Employment, Labor and Social Insurance.

⁶⁵³ Ibid., 4.

⁶⁵⁴ U.S. Embassy-Yaounde, *unclassified telegram no. 3036*, August 2002. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Cameroon*, Washington, D.C., March 4, 2002, 97-99, Section 6f [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8285.htm>. This report notes that although an interagency anti-child trafficking committee was established and developed an action plan, the National Assembly's draft budget provided no funds for action plan implementation save under Presidential instruction.

⁶⁵⁵ UNESCO, *The Education for All 2000 Assessment: Country Reports- Cameroon*, prepared by Mr. Yakouba Yaya, pursuant to UN General Assembly Resolution 52/84, 2000, Section III [cited December 26, 2002]; available from <http://www2.unesco.org/wef/countryreports/cameroon/contents.html>.

⁶⁵⁶ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

found that 7 percent of working children in the cities of Yaounde, Douala and Bamenda were less than 12 years of age, and 60 percent of these had dropped out of primary school.⁶⁵⁷ Some child sex tourism has been reported in Douala.⁶⁵⁸ Some street children reportedly work to earn school money during school vacation.⁶⁵⁹ Certain forms of child labor are reported to be culturally accepted traditions in the North and Southwest.⁶⁶⁰

Cameroon is a source, transit and destination country for the trafficking of children.⁶⁶¹ A 2000 ILO study conducted in Yaounde, Douala and Bamenda indicated that trafficking accounted for 84 percent of an estimated 610,000 child laborers.⁶⁶² Children from Cameroon are trafficked internally from rural areas of the country to urban areas and externally to other countries in West Africa.⁶⁶³ Children are trafficked to Cameroon primarily from Nigeria, Benin, Niger, Chad, Congo, Central African Republic, Togo and Mali.⁶⁶⁴ According to the ILO, children who have been trafficked within or into Cameroon are employed most often as domestic workers, street traders, farm laborers, waiters in cafes and bars, prostitutes, manual workers, and night guards.⁶⁶⁵ Trafficking is a lucrative business and it is reported that one government official attempting to address the issue received threats from traffickers and required police protection.⁶⁶⁶ Cameroon has no place to shelter child victims of trafficking⁶⁶⁷ although the government is working with local and international NGOs to provide temporary shelter and assistance.⁶⁶⁸

Education is free in elementary school and is compulsory through the age of 14.⁶⁶⁹ In February 2000, the President of Cameroon announced the elimination of school matriculation fees for public primary schools and the National Assembly passed a budget bill increasing by 49 percent the

⁶⁵⁷ The study found that 19.8 percent of children are working in agriculture and the informal sector, 3.4 percent are in car wash businesses, 31 percent work as domestic servants for their relatives, and 7 percent work in prostitution or other illicit activities. See U.S. Embassy- Yaounde, *unclassified telegram no. 3239*, October 2001.

⁶⁵⁸ Theophile Ella Menye, Ministry of Social Affairs Technical Adviser, interview with USDOL official, August 4, 2002.

⁶⁵⁹ Foyer l'Esperance staff, interviews with USDOL official, August 4, 2002. See also Catholic Relief Services staff, interviews with USDOL official, August 6, 2002.

⁶⁶⁰ Feyio, interview with USDOL official, August 2002.

⁶⁶¹ Cameroon is a transit country for regional traffickers transporting children among Nigeria, Benin, Niger, Chad, Togo, the Republic of Congo, and the Central African Republic. See U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6f.

⁶⁶² Ibid.

⁶⁶³ ILO-IPEC, *Combating the Trafficking of Children*. See also U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6f.

⁶⁶⁴ ILO-IPEC, *Combating the Trafficking of Children*.

⁶⁶⁵ Ibid.

⁶⁶⁶ Flavien Zogo Awona, Deputy Director, Ministry of Employment, Labor and Social Insurance, interview with USDOL official, August 4, 2002.

⁶⁶⁷ Menye, interview, August 4, 2002.

⁶⁶⁸ U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6f.

⁶⁶⁹ Ibid., 93-96, Section 5.

spending on national education.⁶⁷⁰ Nevertheless, reports indicate that some school principals have been requiring bribes to enroll children in school⁶⁷¹ and the families of primary school children must pay for uniforms and book fees.⁶⁷² Tuition and fees at the secondary school level remain unaffordable for many families.⁶⁷³

The gross primary enrollment rate has steadily declined during the last decade, from 101.1 percent in 1990 to a low 85.4 in 1996, and rising again to reach 90.3 percent by 1998.⁶⁷⁴ Primary school attendance rates are unavailable for Cameroon. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁶⁷⁵ Although the Constitution of Cameroon guarantees a child's right to education,⁶⁷⁶ girls suffer discrimination in their access to schooling and have lower attendance rates than boys.⁶⁷⁷ In 2001, the UN Committee on the Rights of the Child indicated a number of problems with the educational system in Cameroon, including rural/urban and regional disparities in school attendance, limited access to formal and vocational education for children with disabilities, children falling behind in their primary education, a high drop-out rate in primary education, lack of primary school teachers, and a high degree of violence and sexual abuse against children in schools.⁶⁷⁸ Domestic workers are also often not permitted to attend school.⁶⁷⁹

Child Labor Laws and Enforcement

The Labor Code and the Ministerial Order on Labor set the minimum age for employment at 14 years.⁶⁸⁰ The Ministerial Order prohibits youths between the ages of 14 to 18 from engaging in

⁶⁷⁰ Ibid.

⁶⁷¹ U.S. Embassy- Yaounde, *unclassified telegram no. 3239*.

⁶⁷² U.S. Department of State, *Country Reports- 2001: Cameroon*, 93-96, Section 5.

⁶⁷³ Ibid.

⁶⁷⁴ World Bank, *World Development Indicators 2002*.

⁶⁷⁵ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

⁶⁷⁶ *Constitution of the Republic of Cameroon (Law no. 96-06)*, (January 18, 1996), preamble [cited December 10, 2001]; available from <http://confinder.richmond.edu/Cameroon.htm>.

⁶⁷⁷ In 1991, the net attendance rate for girls attending primary school was 61.7 percent and for boys was 70.3 percent. See USAID, *Global Education Database 2000*, [database online], [cited December 16, 2002]; available from http://www.usaid.gov/educ_training/ged.html. See also U.S. Department of State, *Country Reports- 2001: Cameroon*, 93-96, Section 5.

⁶⁷⁸ 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.

⁶⁷⁹ Catholic Relief Services staff, interviews, August 6, 2002.

⁶⁸⁰ Government of Cameroon, *Labour Code (Law no. 92/007)*, (August 14, 1992), Part V, Ch. III, Section 86 [cited December 31, 2002]; available from <http://natlex.ilo.org/txt/E92CMR01.htm>. The penalty for infringing the law ranges from fines to imprisonment. The law also prohibits night work and identifies the tasks that cannot be performed by children between the ages of 14 and 18. Children cannot work before 6 a.m. or after midnight. See U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6d.

certain work, including moving heavy weights, working in dangerous and unhealthy tasks, working in confined areas, or engaging in tasks that can harm a youth's morality.⁶⁸¹ The Labor Code also specifies that children cannot continue working in any job that exceeds their physical capacity.⁶⁸² Labor law also requires that employers train children between 14 and 18, and the work contracts must contain a training provision for minors.⁶⁸³ Under the Labor Code, the Labor Inspectorate can require children to be examined by a medical professional to make sure their work does not exceed their physical capacity. Children can also request this examination themselves.⁶⁸⁴

The Labor Code prohibits forced labor but does not specifically address child labor.⁶⁸⁵ The Penal Code prohibits a person from imposing a work or service obligation on another person for which that person has not freely applied and is punished by imprisonment of 5 to 10 years and/or a fine.⁶⁸⁶ The Penal Code prohibits slavery and engaging in the trafficking of human beings and punishes these acts with prison terms of 10-20 years,⁶⁸⁷ and prohibits procuring, as well as prostitution or sharing in the profits from another person's prostitution.⁶⁸⁸ The penalty includes fines and prison sentence of up to five years which double if the crime involves a minor less than 21 years of age.⁶⁸⁹ Prostitution is prohibited under the Penal Code.⁶⁹⁰

The Ministry of Social Affairs and the Ministry of Labor enforce child labor laws through site inspections of registered businesses. However, a lack of resources hinders the effective enforcement of child labor laws.⁶⁹¹ There are only 49 labor inspectors in Cameroon who focus on the formal sector and labor inspectors are neither trained in nor sensitized about child labor issues.⁶⁹²

The Government of Cameroon ratified ILO Convention 138 on August 13, 2001 and ratified ILO Convention 182 on June 5, 2002.⁶⁹³

⁶⁸¹ U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6d.

⁶⁸² *Cameroon Labor Code*, Part V, Ch. III, Section 86.

⁶⁸³ U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6d.

⁶⁸⁴ *Cameroon Labor Code*, Part V, Chapter III, Section 87.

⁶⁸⁵ *Ibid.*, Part I, Section 2. The ILO will soon be conducting a study on forced labor. See ILO staff, interview with USDOL official, August 5, 2002.

⁶⁸⁶ Protection Project, *Commercial Sexual Exploitation of Women and Children: A Human Rights Report, Cameroon*, January 2002, "Criminal Statutes", Article 292.

⁶⁸⁷ *Ibid.*, Article 292.

⁶⁸⁸ *Ibid.*

⁶⁸⁹ *Ibid.*

⁶⁹⁰ *Ibid.*

⁶⁹¹ U.S. Department of State, *Country Reports- 2001: Cameroon*, 97-99, Section 6d.

⁶⁹² Awona, interview, August 4, 2002.

⁶⁹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 16, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Cape Verde

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

The Government of Cape Verde has harmonized its Constitution and national legislation with international agreements on the rights of children; however, legislation regarding underage workers remains inadequate.⁶⁹⁴ The government's education reform plan, developed for years 1993 to 2000, contained strategies for improving the curriculum, training teachers and extending compulsory basic education.⁶⁹⁵ In July 2001, Cape Verde signed an MOU with the sponsors of Education for All.⁶⁹⁶ Under the MOU, the sponsors and the government will prepare a National Plan of Action for Education for All, in order to coordinate efforts to ensure that access to a quality education for all is achieved between the years 2001 and 2015.⁶⁹⁷ The Ministry of Education and the World Food Program have agreed to renew collaboration through 2005 on efforts that support primary school feeding programs on the island.⁶⁹⁸ UNICEF and the Government of Cape Verde have also launched a variety of initiatives to improve access to schooling, particularly for girls, including programs that provide educational materials, improve the quality of education, and address gender bias.⁶⁹⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 13.6 percent of children ages 10 to 14 years in Cape Verde were working.⁷⁰⁰ A study of child labor in Cape Verde in 1995 found that children in urban areas are engaged in carpentry, metallurgy, in mechanic shops and on the streets. Street children in Cape

⁶⁹⁴ 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. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Periodic Reports of States Parties Due in 1994: Cape Verde*, CRC/C/12/Add.22, United Nations, January 2001, 7.

⁶⁹⁵ Oxfam International, *Aid and Education: Shrinking Budget Poorly Spent*, [online] March 2000 [cited October 9, 2002]; available from <http://www.caa.org.au/oxfam/advocacy/education/aid/index.html>.

⁶⁹⁶ The sponsors of EFA in Cape Verde include FAO, UNESCO, UNDP, UNICEF, UN Population Fund, the World Bank, and WHO. *Cape Verde- Memorandum of Understanding between the Sponsors of Education for All and the Government of Cape Verde*, UNESCO, July 20, 2001 [cited October 8, 2002]; available from http://www.dakar.unesco.org/countries/news_docs_comnat/010816_en_capvert.shtml.

⁶⁹⁷ Ibid.

⁶⁹⁸ World Food Programme, "Cape Verde: How Long Should Support Last," in *Global School Feeding Report- 2002* Rome, 2002.

⁶⁹⁹ UNICEF, *Girls' Education in Cape Verde*, [online] [cited July 27, 2002]; available from http://www.unicef.org/programme/girlseducation/action/cases/cape_verde.htm.

⁷⁰⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. The Ministry of Employment, Training and Social Integration estimates that 3.3 percent of children, 5 to 13 years old, are engaged in paid or unpaid work either inside or outside the home. Government of Cape Verde, *Cape Verde National Report on Follow Up to the World Summit for Children*, Annex 1.

Verde wash cars, haul cargo, distribute newspapers, and work in organized drug peddling gangs.⁷⁰¹ Juvenile prostitution is believed to be a problem in Cape Verde.⁷⁰² In 2000, press reports indicated that the police made some arrests of traffickers and victims, but information on the extent of trafficking to and from the country is unavailable, and there are no reports supporting or denying that children were involved.⁷⁰³

In 1994, the Government of Cape Verde made education compulsory until the age of 16 years.⁷⁰⁴ Education is free for six years of primary school.⁷⁰⁵ In 1998, the gross primary enrollment rate was 144.4 percent, and the net primary enrollment rate was 99 percent.⁷⁰⁶ Primary school attendance rates are unavailable for Cape Verde. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁷⁰⁷ A 1999 report by the World Bank noted that while most children have access to education, some problems remain. For example, many students and some teachers speak Creole at home and have a poor command of Portuguese (the language of instruction); insufficient funds are spent on school materials, lunches and books; and there is a high repetition rate for certain grades.⁷⁰⁸

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 14 years, and prohibits children under the age of 16 from working at night or in enterprises that produce toxic products.⁷⁰⁹ Children between the ages of 14 and 18 may not work more than 38 hours per week or more than 7 hours per day, except where special permission is granted, and can only work with the consent of their parents.⁷¹⁰

⁷⁰¹ Government of Cape Verde, *Cape Verde National Report on Follow Up to the World Summit for Children*, para. 73-74.

⁷⁰² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Cape Verde*, Washington, D.C., March 4, 2002, 103-04, Section 5 [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8291.htm>. See also UN Committee on the Rights of the Child, *Consideration of Reports: Periodic Reports: Cape Verde*.

⁷⁰³ U.S. Department of State, *Country Reports- 2001: Cape Verde*, 104-05, Section 6f.

⁷⁰⁴ Government of Cape Verde, *Cape Verde National Report on Follow Up to the World Summit for Children*, para. 67.

⁷⁰⁵ Secondary education is free only for children whose families have an annual income below approximately 160,000 escudos (USD 1,421). See U.S. Department of State, *Country Reports- 2001: Cape Verde*, 103-04, Section 5. For currency conversion see FX Converter, [online] [cited October 9, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

⁷⁰⁶ World Bank, *World Development Indicators 2002*.

⁷⁰⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁷⁰⁸ World Bank, *Cape Verde- Education and Training Consolidation and Modernization Project*, project appraisal document, Washington, D.C., April 30, 1999, 4 [cited October 9, 2002]; available from http://www-wds.worldbank.org/servlet/WDServlet?pcont=details&eid=000094946_99052608145863.

⁷⁰⁹ Embassy of the Republic of Cape Verde, letter to USDOL official, October 26, 2001. See also U.S. Department of State, *Country Reports- 2001: Cape Verde*, 104-05, Section 6d.

⁷¹⁰ Gregorio Semondo, First Secretary, Embassy of the Republic of Cape Verde, letter to USDOL official, October 26, 2001.

Cape Verde's Constitution states that children of compulsory schooling age are prohibited from working, and expressly forbids the exploitation of child labor.⁷¹¹ Forced and bonded child labor are prohibited by law.⁷¹² The civil code prohibits certain forms of child sexual exploitation.⁷¹³ The trafficking of children for the purposes of prostitution is punishable by 12 to 16 years in prison.⁷¹⁴

The Ministries of Justice and Labor enforce child labor laws, but only in the urban, formal sector of the economy with limited success.⁷¹⁵ The government has cooperated with European authorities and neighboring governments to address the issue of trafficking.⁷¹⁶

The Government of Cape Verde has not ratified ILO Convention 138, but ratified ILO Convention 182 on October 23, 2001.⁷¹⁷

⁷¹¹ *Constitution of the Republic of Cape Verde*, Article 87 (2) and (3), (1992), [cited September 11, 2002]; available from <http://oncampus.richmond.edu/~jjones//confinder/CapeVerde.htm>.

⁷¹² U.S. Department of State, *Country Reports- 2001: Cape Verde*, 104-05, Section 6c.

⁷¹³ According to Article 405 of the Civil Code, parents who incite, encourage or facilitate the prostitution of a minor can be imprisoned for one to two years. According to Article 406 of the Civil Code, another person, legally responsible for the minor, who incites, encourages or facilitates the prostitution of the minor can be imprisoned for six months to two years while a person with no legal responsibility for the minor can be imprisoned for three months. See UN Committee on the Rights of the Child, *Consideration of Reports: Periodic Reports: Cape Verde*, 35-36.

⁷¹⁴ Law No. 91/V/98, Article 406-D, as cited in Protection Project, "Cape Verde," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited December 26, 2002]; available from <http://www.protectionproject.org>.

⁷¹⁵ U.S. Department of State, *Country Reports- 2001: Cape Verde*, 104-05, Section 6d.

⁷¹⁶ *Ibid.*, 104-05, Section 6f.

⁷¹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.

Central African Republic

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

In 1998, the Government of the Central African Republic, local NGOs and unions established a network to fight against the worst forms of child labor.⁷¹⁸ Two years later, in 2000, the government launched a study on child labor. Although the report has not been finalized, initial findings indicate a need for training for government employees involved in the investigating and monitoring of child labor.⁷¹⁹

In 2000, the government created a commission to study the magnitude of the trafficking in persons problem, locate those involved, and develop a plan to deal with the issue. The Ministries of Social Affairs, Interior, Labor, Rural Development, Justice, and Defense are represented on the commission; however, insufficient resources have limited the commission's effectiveness.⁷²⁰ On August 10-19, 2001, the government organized a one-week sensitization campaign on the problem of sexual exploitation in preparation for the U.N. World Child Summit.⁷²¹ In July 2002, the Central African Republic government ratified the African Union Charter of the Rights and Welfare of the Child. By September 19, 2002, the government, with assistance from UNICEF, initiated a nationwide implementation campaign to set up local committees around the country charged with monitoring and enforcing children's rights in every district.⁷²²

The percentage of the national budget allocated to education, which traditionally stood at less than 12 percent, increased to 18 percent in the late 1990s. According to the government, it will further increase to 25 percent by 2010.⁷²³ A community schools pilot program, assisted by UNICEF, has been established to facilitate the education of young girls outside of the traditional school system. The program is currently in the process of expanding due to its success.⁷²⁴

⁷¹⁸ U.S. Embassy- Bangui, *unclassified telegram no. 783*, October 2001.

⁷¹⁹ Ibid.

⁷²⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Central African Republic*, Washington, D.C., March 4, 2002, 119-21, Section 6f [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8301.htm>.

⁷²¹ Ibid., 117-19, Section 5.

⁷²² U.S. Embassy- Bangui, *unclassified telegram no. 885*, October 2, 2002.

⁷²³ UN Convention on the Rights of the Child, *Summary Record of the 657th Meeting: Central African Republic*, CRC/C/SR.657, United Nations, October 2000.

⁷²⁴ UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting: Central African Republic*, CRC/C/SR.658, February 2001.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 63.5 percent of children ages 5 to 14 years in the Central African Republic were working.⁷²⁵ Children reportedly work throughout the country, especially in rural areas, and some children work long hours at young ages.⁷²⁶ Children work in agriculture, mining, domestic services, cattle raising, and street vending.⁷²⁷ According to reports from an international agency, children also work alongside their families in the diamond fields.⁷²⁸ There have also been reports of young girls engaged in prostitution, sometimes by force. The number of children involved in this type of work has reportedly declined since 1999.⁷²⁹

Trafficking in children also occurs both to the Central African Republic and within the country. Children are brought from Nigeria, Sudan, and Chad to work as domestic servants, shop assistants, and field workers. Merchants, herders and others doing work in the region also traffick children into the country. These children are usually not related to their caretakers nor do they receive payment for their work. Most are not enrolled in school.⁷³⁰ There are concerns that refugee children have been forced to beg for food and money in the streets.⁷³¹

Education is compulsory from ages 6 to 14.⁷³² However, students must pay for their own books, supplies, transportation costs and insurance.⁷³³ In 1998, the gross primary enrollment rate was 57.4 percent. The net primary enrollment rate was 53.4 percent.⁷³⁴ In 2000, the net primary attendance rate was 38.3 percent (53.5 percent in urban areas as opposed to 33.5 percent in rural

⁷²⁵ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Government of the Central African Republic, *Multiple Indicator Cluster Survey (MICS): Central African Republic*, UNICEF, Bangui, December 2000, 31.

⁷²⁶ UN Committee on the Rights of the Child, "Central African Republic: Reports to Treaty Bodies," in *For the Record 2000: The United Nations Human Rights System* United Nations, 2000, [cited December 16, 2002]; available from <http://www.hri.ca/fortherecord2000/vol2/cartb.htm>. See also U.S. Department of State, *Country Reports- 2001: Central African Republic*, 119-21, Section 6d.

⁷²⁷ U.S. Embassy- Bangui, *unclassified telegram no. 2572*, October 2001.

⁷²⁸ U.S. Department of State, *Country Reports- 2001: Central African Republic*, 119-21, Section 6d.

⁷²⁹ There are reports that the presence of international peacekeeping forces prior to 1999 perpetuated the prostitution trade in the Central African Republic, as the peacekeepers served as a large group of clients. The practice of children engaging in prostitution has declined since late 1999, when international peacekeeping forces departed the country and the demand for prostitutes declined, although some girls continue to enter into prostitution to earn money for their families. See *Ibid.*, 119-21, Section 6c.

⁷³⁰ *Ibid.*, 119-21, Section 6f. See also Integrated Regional Information Networks, "IRIN Focus on Child Trafficking in West and Central Africa", allafrica.com, [online], February 29, 2000 [cited December 16, 2002]; available from <http://allafrica.com/stories/printable/200002290007.html>.

⁷³¹ UN Convention of 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: Central African Republic*, CRC/C/15/Add.138, United Nations, October 2000, para 74.

⁷³² U.S. Department of State, *Country Reports- 2001: Central African Republic*, 117-19, Section 5.

⁷³³ U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁷³⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

areas).⁷³⁵ In some rural areas, teachers and principals have been known to use their students as farm labor to earn money for school supplies and expenses.⁷³⁶ Also, the age at which a child begins school tends to be delayed in rural areas. Although boys and girls have relatively equal access to education at the primary level, the number of female students decreases once girls reach the ages of 14 to 15 due to pressure to marry.⁷³⁷ This discrepancy is more pronounced in the rural areas where girls are often kept at home to carry out domestic tasks and work in the fields.⁷³⁸ Despite increases in education spending, the educational system's budget remains small and unpaid salaries have resulted in a shortage of teachers and an increase in the number of street children.⁷³⁹ HIV/AIDS-related deaths have taken a heavy toll on teachers, contributing to the closure of more than 100 primary schools between 1996 and 1998.⁷⁴⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years. However, children who are at least 12 years of age may engage in light work in some traditional agricultural activities or domestic work.⁷⁴¹ Children under 18 are forbidden to perform hazardous work or to work at night.⁷⁴² The Labor Code prohibits all forced labor.⁷⁴³ Enforcement of the labor laws is poor due to a lack of resources and insufficient labor inspection staff.⁷⁴⁴ In 2001, the number of trained inspectors totaled 72, but only 44 were working for the Ministry of Labor in some capacity. Ministry of Labor officials estimate 220 inspectors are needed in order to enforce labor laws properly.⁷⁴⁵

Although prostitution is legal in the Central African Republic, Article 198 of the Criminal Code prohibits publicly soliciting persons. Violations are punishable by a fine or imprisonment from 5 days to 1 month. Article 199 prohibits procurement of individuals for sexual purposes, including assisting in prostitution, and designates a fine and imprisonment for 3 months to 1 year for those found guilty. Article 200 increases the penalty of imprisonment from 1 to 5 years for cases

⁷³⁵ Government of the Central African Republic, *Multiple Indicator Cluster Survey (MICS): Central African Republic*, 10-11.

⁷³⁶ U.S. Department of State, *Country Reports- 2001: Central African Republic*, 117-21, Sections 5 and 6d. See also U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁷³⁷ U.S. Department of State, *Country Reports- 2001: Central African Republic*, 117-19, Section 5.

⁷³⁸ UN Convention on the Rights of the Child, *Summary Record of the 657th Meeting*, para. 58.

⁷³⁹ U.S. Department of State, *Country Reports- 2001: Central African Republic*, 117-19, Section 5. More than 3,000 street children between the ages of 5 and 18 live in Bangui. See U.S. Embassy- Bangui, *unclassified telegram no. 885*.

⁷⁴⁰ UN OCHA Integrated Regional Information Network for Central and Eastern Africa, *CAR: HIV/AIDS Leading Cause of Death for Teachers*, (IRIN News Briefs), ReliefWeb, [online] September 5, 2001 [cited December 16, 2002]; available from <http://www.reliefweb.int/w/rwb.nsf/s/9B5E64B3467718D3C1256AC3002F86FE>.

⁷⁴¹ U.S. Embassy- Bangui, *unclassified telegram no. 2572*. See also U.S. Department of State, *Country Reports- 2001: Central African Republic*, 119-21, Section 6d.

⁷⁴² U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁷⁴³ The prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically. See U.S. Department of State, *Country Reports- 2001: Central African Republic*, 119-21, Section 6c.

⁷⁴⁴ U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁷⁴⁵ Ibid.

involving a minor.⁷⁴⁶ Minor's brigades have been established to punish persons responsible for forcing children into prostitution. However, few cases were prosecuted due to the victims' reluctance to press charges.⁷⁴⁷ Although the law does not specifically prohibit trafficking, traffickers can be prosecuted under anti-slavery laws, labor code violations, mandatory school age laws, and laws against prostitution.⁷⁴⁸ The government does not actively investigate trafficking cases.⁷⁴⁹

The Central African Republic ratified ILO Convention No. 138 and ILO Convention No. 182 on June 28, 2000.⁷⁵⁰

⁷⁴⁶ Protection Project, "Central African Republic," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited September 13, 2002]; available from <http://www.protectionproject.org>. See also Laura Lederer, *Central African Republic, A Human Rights Report on Trafficking of Persons, Especially Women and Children*, The Protection Project, January 2001.

⁷⁴⁷ UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*, para. 28.

⁷⁴⁸ U.S. Department of State, *Country Reports- 2001: Central African Republic*, 119-21, Section 6f.

⁷⁴⁹ Ibid.

⁷⁵⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 13, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

Chad

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

UNICEF and the Government of Chad are collaborating on a campaign against the worst forms of child labor in Chad.⁷⁵¹ In 2001, the government and UNICEF sponsored a number of workshops, seminars, and radio broadcasts to raise awareness of child labor issues.⁷⁵² In an effort to combat child trafficking, the government has also sponsored media campaigns designed to advise parents on how to instruct children about the danger of trusting strangers.⁷⁵³ In 1997, a mediation body was created by the office of the Prime Minister to prevent the use of child soldiers by the national government and opposition forces.⁷⁵⁴ The government has undertaken measures to demobilize child soldiers and reintegrate them in civilian life.⁷⁵⁵

The World Bank, African Development Bank, and European Development Fund have provided financial support to build schools in Chad.⁷⁵⁶ UNICEF has launched a set of programs intended to increase access to education, especially for girls. Measures taken to improve girls' attendance rates include providing grants that reduce the domestic workloads for girls, and providing grants that offset schooling costs for families.⁷⁵⁷

⁷⁵¹ As part of this project, a base case study was conducted, and various materials, including pamphlets, were produced to raise awareness of the problem of child herders. U.S. Embassy- N'djamena, *unclassified telegram no. 1795*, November 2001.

⁷⁵² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Chad*, Washington, D.C., March 4, 2002, 133-35, Section 6d [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8307.htm>.

⁷⁵³ *Ibid.*, 133-35, Section 6f.

⁷⁵⁴ Coalition to Stop the Use of Child Soldiers, "Chad," in *Global Report 2001*, London, 2001, [cited December 16, 2002]; available from <http://www.child-soldiers.org/report2001/countries/chad.html>. The Committee on the Rights of the Child found that the government has demonstrated awareness and political will regarding the problems of children in armed conflict. However, the committee reported that the government lacks the resources to support the rehabilitation and social reintegration of children withdrawn from labor and from armed conflict. UN Convention 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: Chad*, CRC/C/15/Add.107, United Nations, Geneva, August 1999, para. 8-10 and 35 [cited December 26, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.107.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.107.En?OpenDocument).

⁷⁵⁵ Coalition to Stop the Use of Child Soldiers, "Chad," 2.

⁷⁵⁶ UN Convention 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. 158 [cited December 26, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.50.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.50.En?OpenDocument).

⁷⁵⁷ UNICEF, *Girls' Education in Chad*, [online] [cited July 26, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/cases/chad.htm>.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 65.5 percent of children ages 5 to 14 years in Chad were working.⁷⁵⁸ Child labor is rare in the formal sector, but it is common in the informal sector, particularly in agriculture and herding.⁷⁵⁹ In southern Chad, children are contracted to nomadic herders to tend animals. These children are often abused and provided little monetary compensation for their work.⁷⁶⁰ Children also work for little compensation as domestic servants in the households of relatives.⁷⁶¹ Some families arrange marriages for daughters who are as young as 11 or 12 years. Once married, many of these girls are obligated to work long hours in the fields or in the home for their husbands.⁷⁶² There are allegations that, in isolated instances, local authorities force children to work in the rural sector.⁷⁶³

Despite periodic demobilizations of underage soldiers, there are reports that children continue to work in military installations in the north.⁷⁶⁴ Children as young as 13 from the Zagava ethnic group have been forcibly recruited into the army. Their responsibilities include detecting landmines on the frontlines.⁷⁶⁵ In 2001, families in conflict zones reported that they were forced to either provide one of their children to the armed forces as a recruit, or give money or crops as a substitute.⁷⁶⁶ The Ministry of Justice has also reported that the opposition recruits child soldiers by force.⁷⁶⁷

Articles 35-38 of the Constitution of March 31, 1996 declare that all citizens are entitled to free non-religious education and training.⁷⁶⁸ However, parents still make considerable contributions

⁷⁵⁸ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of the Republic of Chad, *Multiple Indicators Cluster Survey (MICS) Report: Chad*, UNICEF, Ouagadougou, 2001, 6 and 66 [cited December 16, 2002]; available from http://www.childinfo.org/MICS2/natlMICSrepz/Chad/Chad_MICS_Report.pdf. In 2000, the ILO estimated that approximately 37 percent of children ages 10 to 14 in Chad were working. World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁷⁵⁹ U.S. Department of State, *Country Reports- 2001: Chad*, 132-33, Section 6d. See also U.S. Embassy- N'djamena, *unclassified telegram no. 1795*.

⁷⁶⁰ U.S. Department of State, *Country Reports- 2001: Chad*, 132-33, Section 6d.

⁷⁶¹ Ibid. See also U.S. Embassy- N'Djamena, *unclassified telegram no. 1982*, May 1997.

⁷⁶² U.S. Department of State, *Country Reports- 2001: Chad*, 132-33, Section 6c. See also U.S. Embassy- N'Djamena, *unclassified telegram no. 1982*.

⁷⁶³ U.S. Department of State, *Country Reports- 2001: Chad*, 132-33, Section 6c.

⁷⁶⁴ Coalition to Stop the Use of Child Soldiers, "Chad."

⁷⁶⁵ Ibid. See also U.S. Department of State, *Country Reports- 2001: Chad*, 132-33, Section 6c.

⁷⁶⁶ Coalition to Stop the Use of Child Soldiers, "Chad."

⁷⁶⁷ Ibid.

⁷⁶⁸ UN Convention on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 42, 155.

toward school costs.⁷⁶⁹ In 1998, the gross primary enrollment rate was 67.2 percent, and the net primary enrollment rate was 54.8 percent.⁷⁷⁰ Educational opportunities for girls are limited, mainly because of tradition, and girls tend not to attend as many years of school as boys.⁷⁷¹ In 1996-1997, the gross primary school attendance rate was 54.9 percent, and the net primary attendance rate was 30.2 percent.⁷⁷²

Child Labor Laws and Enforcement

The minimum age for employment in Chad is 14 years, but children may enter into certain non-hazardous forms of labor from the age of 12.⁷⁷³ According to a government decree of 1969, individuals must be 18 or older to perform hazardous work. The government aims to protect children from all forms of exploitation that may impair their moral and physical integrity.⁷⁷⁴ Articles 271-273 and 276-279 of the Penal Code protect children from sexual exploitation⁷⁷⁵ while Articles 279-282 protect children from procurement for prostitution.⁷⁷⁶ The trafficking and prostitution of children can result in a fine and imprisonment from 2 to 5 years.⁷⁷⁷ The voluntary recruitment age for children is 18 years, however younger children may be recruited with parental consent. The conscription age into the military is 20 years without consent of the child's guardian.⁷⁷⁸ Forced and compulsory labor are prohibited by the Constitution and the Labor Code.⁷⁷⁹

⁷⁶⁹ In 1995, it was estimated that parents associations gave approximately 800 million CFA (USD 1,274,048) to schools. Ibid., para 42. For currency conversion, see FX Converter, [online] [cited November 14, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

⁷⁷⁰ World Bank, *World Development Indicators* 2002.

⁷⁷¹ U.S. Department of State, *Country Reports- 2001: Chad*, 132-33, Section 5.

⁷⁷² In 1996-1997, the gross primary school attendance rate remained much higher for boys than for girls_79.5 percent for boys and 38.1 percent for girls. The net attendance rate was 55.4 percent for boys and 43.4 percent for girls. Measure DHS+, *Demographic and Health Surveys (DHS)*, [online] [cited September 11, 2002]; available from <http://www.measuredhs.com/>.

⁷⁷³ UN Convention on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 197. See also U.S. Department of State, *Country Reports- 2001: Chad*, 133-35, Section 6d.

⁷⁷⁴ UN Convention on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 201.

⁷⁷⁵ Ibid., para. 200. Ordinance No. 27/PR/68 prohibits sexual exploitation of children in films and videos. Protection Project, *Commercial Sexual Exploitation of Women and Children: A Human Rights Report*, Washington, D.C., January 2001, [cited December 26, 2002]; available from <http://www.protectionproject.org/vt/2.htm>.

⁷⁷⁶ Protection Project, *Commercial Sexual Exploitation of Women*. See also ECPAT International, *Chad*, in ECPAT International, [database online] 2002 [cited July 31, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁷⁷⁷ *Criminal Code*, Article 279-80 (Procuring) [cited December 16, 2002]; available from <http://www.protectionproject.org/vt/2.htm>.

⁷⁷⁸ Coalition to Stop the Use of Child Soldiers, "Chad."

⁷⁷⁹ U.S. Department of State, *Country Reports- 2001: Chad*, 133-35, Section 6c.

The Labor Inspectorate of the Ministry of Labor and Public Affairs is responsible for enforcing labor laws. Due to a lack of resources, from December 1998 to November 1999, no inspections could be made outside of the capital city of N'Djamena.⁷⁸⁰

The Government of Chad ratified ILO Convention 182 on November 6, 2000, but has not ratified ILO Convention 138.⁷⁸¹

⁷⁸⁰ ILO-Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Convention No. 81, Labour Inspection, 1947 Chad (Ratification: 1965)*, Geneva, 2002, [cited August 22, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁷⁸¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.

Chile

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

The Government of Chile has been a member of ILO-IPEC since 1996.⁷⁸² As part of this program, the government established the National Advisory Committee to Eradicate Child Labor.⁷⁸³ In 2001, the Committee developed a National Plan of Action⁷⁸⁴ with five focus areas: nation-wide awareness-raising, collection of data,⁷⁸⁵ promotion of legislative reform in compliance with ILO conventions, development of age-specific targeted intervention programs, and ongoing monitoring and evaluation.⁷⁸⁶ As part of this effort, the Committee has designed specific programs for children working in the regions of Río Cachapoal, El Olivar, Temuco and the suburbs of Santiago.⁷⁸⁷ In 2002, ILO-IPEC began working with the government on two new initiatives, a project to establish a national register on the worst forms of child labor and a project on the prevention and eradication of commercial sexual exploitation of children.⁷⁸⁸

⁷⁸² ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited September 30, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁷⁸³ This Committee is coordinated by the Ministry of Labor and includes UNICEF, ILO, NGOs, business leaders, legislators, labor unions, churches, and other public and private entities. See U.S. Embassy- Santiago, *unclassified telegram no. 2756*, October 2001.

⁷⁸⁴ Andrés Bianchi, Ambassador, facsimile communication to USDOL official in response to request for information, September 6, 2002.

⁷⁸⁵ As of August 2002, Chile was preparing to conduct a SIMPOC child labor survey. See ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

⁷⁸⁶ National Commission for the Eradication of Child Labor-Chile, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, ILO-IPEC Regional Office for Latin America and the Caribbean, Lima, 2001, 2, 19 [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/planchi.doc>. Other focus areas include education, health services for children and the promotion of adequate adult employment and services. See ILO-IPEC, *Chile: Plan Nacional de Erradicación del Trabajo Infantil*, Lima, 2002, [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/chile.php#t2>.

⁷⁸⁷ U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

⁷⁸⁸ ILO-IPEC Regional Office official, electronic communication with USDOL official on Proniño and ILO-IPEC projects, October 1, 2002. Chilean unions have also received training on child labor issues under a regional union education campaign conducted by ILO-IPEC and small and medium sized-business owners have been sensitized through outreach seminars. See ILO-IPEC Regional Office for Latin America and the Caribbean, *Fortalecimiento de las Organizaciones Sindicales para la Prevención y Erradicación de las peores formas del Trabajo Infantil*, Lima, July 22, 2002, [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficchiinst.php#ch1>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 10 [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

In addition to collaborative efforts with ILO-IPEC, the Chilean government recently announced that a new “Chile in Solidarity” program will begin at the end of 2002 to provide income and other support for families with children at risk of deserting school and working.⁷⁸⁹ A working group has also been established to prepare a plan of action against the commercial sexual exploitation of children.⁷⁹⁰

Chile is also participating in regional efforts to combat child labor. In 1997, Chile was a party to the Declaration of Buenos Aires, in which it agreed, along with the Mercosur countries (Argentina, Brazil, Paraguay, and Uruguay), to conduct awareness raising and promote the harmonization of regional laws related to child labor. With the support of ILO-IPEC, the Chilean government is collaborating with the Mercosur countries to gather more adequate statistics on child labor under ILO-IPEC’s SIMPOC, to create and exchange best practices on child labor inspection systems, to promote legislation in line with ILO Conventions 138 and 182 throughout the region, to strengthen civil society partners, to incorporate child labor themes into national and regional policies, to remove children from and prevent children from entering child labor, and to establish observer committees responsible for evaluating progress.⁷⁹¹ Also with assistance from ILO-IPEC, Chile is participating in the development of a coordinated information system on child labor throughout South America.⁷⁹²

The Chilean Ministry of Education has initiated reforms to improve the quality, equity and efficiency of the country’s educational system.⁷⁹³ The government operates a family income support program (Subsidio Unico Familiar) in which families receive direct money transfers if they can demonstrate, among other requirements, that family members between 6 and 18 years of age are registered in school. The government also provides support for scholarship and school meal programs.⁷⁹⁴ There has been a significant increase in the number of schools covered by the Program of 900 Schools (P-900), initially launched in 1990, which provides funding for teaching assistants for a number of basic education classrooms.⁷⁹⁵ The government’s Rural Basic Education Program provides additional funding and targeted programs for rural students and teachers.⁷⁹⁶ In

⁷⁸⁹ UNICEF, *En Seminario Sobre Deserción: Factores Asociados al Abandono Escolar*, [online] June 14, 2002 [cited August 13, 2002]; available from http://www.unicef.cl/noticias/seminario_desercion.htm.

⁷⁹⁰ UN Committee on the Rights of the Child, *Report on the Twenty-Ninth Session*, CRC/C/114, United Nations, Geneva, May 14, 2002, 102.

⁷⁹¹ ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil*, 5, 17-19.

⁷⁹² ILO-IPEC Regional Office for Latin America and the Caribbean, *Los Proyectos IPEC en breve: Proyecto Sistema de Información de la Marcha Global*, Lima, 2002, [cited December 16, 2002]; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/ficha_mglobal.doc.

⁷⁹³ Francoise Delannoy, “Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism,” *The Education Reform and Management Publication Series* 1, no. 1 (June 2000), 61.

⁷⁹⁴ Bianchi, facsimile communication, September 6, 2002.

⁷⁹⁵ Ministry of Education, *Sentidos y Propósitos: Programa de las 900 Escuelas (P-900)*, Government of Chile, [online] 2002 [cited August 12, 2002]; available from <http://www.mineduc.cl/basica/p900/N2002052411352223165.html>.

⁷⁹⁶ Ministry of Education, *Objetivos del Programa de Educación Rural*, Government of Chile, [online] 2002 [cited August 12, 2002]; available from <http://www.mineduc.cl/basica/rural/N2002052417080024790.html>.

1996, the government implemented the Full School Day Reform, which extended the school day, provided a new curriculum framework, implemented incentives for teacher professionalism and initiated a network to model and disseminate innovative teaching, learning and managerial practices at the secondary level.⁷⁹⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that less than 1 percent of children ages 10 to 14 in Chile were working.⁷⁹⁸ ILO-IPEC has identified mining, agriculture and street work as three high risk areas where children are working in Chile.⁷⁹⁹ Children also work in manufacturing (garment, furniture, bottling and packaging),⁸⁰⁰ lumber processing, charcoal production, meat processing, shellfish processing, fishing, ranching, shepherding, domestic service, as baggers in supermarkets, and in the sale of drugs.⁸⁰¹ Many children are employed in the informal economy.⁸⁰² Children are involved

⁷⁹⁷ All government and privately subsidized schools were expected to adopt the reform by 2002, unless superior performance could be demonstrated. See Delannoy, "Education Reforms in Chile," 26-27. In addition, the Ministry of Education has promoted a national debate on a proposal to require 12 years of schooling in Chile. See Ministry of Education, *Seminario, 12 Años de Escolaridad: Un Requisito para la Equidad*, Government of Chile, [online] 2002 [cited August 2, 2002]; available from http://www.mineduc.cl/destacados_web/seminario12/index.htm.

⁷⁹⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1996, a survey conducted by the Chilean Ministry of Planning and Cooperation estimated that 1.9 percent of children ages 6 to 14 years in Chile were working during the three months preceding the survey. The 1996 government survey found that approximately 47,000 children ages 6 to 14 (or 1.9 percent of children in that age group) were working. The same survey found that approximately 78,000 children ages 15 to 17 were working, which is 9.7 percent of children in that age group. See Ministry of Planning and Cooperation, *Situación del Trabajo Infantil en Chile, 1996: Resultados de la Encuesta de Caracterización Socioeconómica Nacional*, survey, Santiago, September 1997, 3, 9. According to a more recent version of this same household survey, 4 percent (64,954) of children ages 12 to 17 were working in 2000. See Ricardo Solari Saavedra, "La Erradicación del Trabajo Infantil en Chile: Caracterización, Acciones del Gobierno y Lineamientos a Futuro," *Observatorio Laboral on Line* (July 11, 2002), [cited December 16, 2002]; available from <http://www.mintrab.gob.cl/>.

⁷⁹⁹ U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

⁸⁰⁰ Ministry of Justice, *Trabajo Infantil en Chile: Ponencia de la Ministra de Justicia, Maria Soledad Alvear Valenzuela, en la Conferencia Internacional sobre Trabajo Infantil*, Oslo, October 1997, 4.

⁸⁰¹ ILO-IPEC Regional Office for Latin America and the Caribbean, *Sistematización del Proyecto: Acción Contra el Trabajo Infantil á Través de la Educación y la Motivación*, Sistema de Información Regional sobre Trabajo Infantil, Lima, [cited December 16, 2002]; available from <http://www.colegiodeprofesores.cl/trabajoinfantil/erradicacion2.htm>.

⁸⁰² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Chile*, Washington, D.C., March 4, 2002, [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8318.htm>.

in prostitution in Chile.⁸⁰³ There is limited information available on other forms of commercial sexual exploitation of children in Chile.⁸⁰⁴

Education is free⁸⁰⁵ and compulsory in Chile for eight years.⁸⁰⁶ In 1998, the gross primary enrollment rate was 105.8 percent and the net primary enrollment rate was 87.9 percent.⁸⁰⁷ In 2000, according to a government household survey, 1 percent of Chilean children between 6 and 13 did not attend school.⁸⁰⁸ The country's rural population completes less schooling than the country's urban population.⁸⁰⁹ The likelihood that children will engage in work instead of attend school increases as family income decreases.⁸¹⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years, although children under the age of 15 may work in theatrical productions with the proper legal authorization.⁸¹¹ Fifteen year olds

⁸⁰³ ECPAT International, *Chile*, in ECPAT International, [database online] 2002 [cited December 4, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. Estimates of the number of children involved in prostitution in Chile vary widely. UNICEF reported that in 1999 there were approximately 10,000 child prostitutes between the ages of 6 and 18. See U.S. Department of State, *Country Reports- 2001: Chile*, Section 5. The Government of Chile, however, reported that 3,500 children under the age of 18 worked in prostitution and pornography in 1999. See Alejandra Muñoz, "3,500 menores ejercieron la prostitución el 99," *La Tercera* (Santiago), June 23, 2000, [cited December 26, 2002]; available from <http://www.tercera.cl/>. In 2000 there were reports that the prostitution of boys was increasing. See Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, Stockholm, 2000, Section 4.3.

⁸⁰⁴ There have been reports that girls are trafficked from Chile to Brazil's Pantanal region. See Swedish International Development Agency, *Looking Back, Thinking Forward*, Section 4.3. Internet child pornography is available in Chile. In July 2002, arrests were made of four men involved in Internet child pornography. See ECPAT International, *Chile*. See also Casa Alianza, *Casa Alianza and Chilean TV Break up Pedophile Network*, [electronic listserv] 2002 [cited July 5, 2002].

⁸⁰⁵ Right to Education, *Chile: Constitutional Guarantees*, [online] [cited November 8, 2002]; available from <http://www.right-to-education.org/content/consuarant/chile.html>.

⁸⁰⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Chile*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited December 16, 2002]; available from http://www2.unesco.org/wef/countryreports/chile/rapport_1.htm.

⁸⁰⁷ World Bank, *World Development Indicators 2002*.

⁸⁰⁸ Bianchi, facsimile communication, September 6, 2002. See also Ministry of Planning and Cooperation, *Situación de la Educación en Chile 2000: Informe Ejecutivo*, July 2001, 10 [cited December 26, 2002]; available from <http://www.mideplan.cl>.

⁸⁰⁹ Ministry of Planning and Cooperation, *Análisis de la VIII Encuesta Caracterización Socioeconómica Nacional (CASEN 2000), Documento No. 7: Situación del Sector Rural en Chile 2000*, MIDEPLAN, Santiago, January 2002, 45 [cited December 26, 2002]; available from <http://www.mideplan.cl/estudios/sectorrural2000.pdf>. Indigenous children also face obstacles to school access. See UN Committee on the Rights of the Child, *Report on the Twenty-Ninth Session*, 101.

⁸¹⁰ Ministry of Justice, *Trabajo Infantil en Chile*, 7.

⁸¹¹ U.S. Embassy- Santiago, *unclassified telegram no. 2756*. See also Government of Chile, *Código del Trabajo, as amended in 2000*, Ley 19684, (1994), Article 16.

are allowed to do light work if they have completed compulsory education, and if the work will not affect their health, development or attendance in education and training programs. Children ages 16 to 18 can work with the permission of their parents.⁸¹² Children under the age of 18 are prohibited from working at night between the hours of 10 p.m. and 7 a.m. (outside a family business), underground, in nightclubs or similar establishments in which alcohol is consumed, or in activities that endanger their health, safety or morality.⁸¹³ The Constitution and the Labor Code prohibit forced labor,⁸¹⁴ and the prostitution of children, corruption of minors and involvement of children in pornography are prohibited under the Penal Code.⁸¹⁵ The trafficking of children for prostitution is also prohibited under the Penal Code.⁸¹⁶

The Ministry of Labor's Inspection Agency enforces child labor laws in the formal sector, while 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.⁸¹⁷ Child labor inspections are infrequent, and are usually initiated only after a specific complaint,⁸¹⁸ but overall compliance is good in the formal economy.⁸¹⁹ Child labor is a problem in the informal economy, however.⁸²⁰ Cases of commercial sexual exploitation of children often are not investigated and prosecuted and victim assistance services are lacking.⁸²¹

Chile ratified ILO Convention 138 on February 1, 1999 and ILO Convention 182 on July 17, 2000.⁸²²

⁸¹² *Código del Trabajo*, Article 13.

⁸¹³ Boys between the ages of 16 and 18 are excepted from this regulation in certain industries. *Ibid.*, Articles 14-15, 18. See also U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

⁸¹⁴ U.S. Department of State, *Country Reports- 2001: Chile*, 2677-80, Section 6c.

⁸¹⁵ U.S. Embassy- Santiago, *unclassified telegram no. 2756*. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile*, [online] [cited August 13, 2002]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp>.

⁸¹⁶ Interpol, *Legislation of Interpol Member States*.

⁸¹⁷ U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

⁸¹⁸ *Ibid.*

⁸¹⁹ U.S. Department of State, *Country Reports- 2001: Chile*, 2677-80, Section 6d.

⁸²⁰ *Ibid.*, 2675-77, Section 5.

⁸²¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Chile*, CRC/C/15/Add. 173, United Nations, Geneva, February 1, 2002, 13 [cited December 16, 2002]; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfriset?OpenFrameSet>.

⁸²² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

Colombia

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

The Government of Colombia has been a member of ILO-IPEC since 2002.⁸²³ The government is participating in a three-year ILO-IPEC regional project funded by USDOL to prevent and eliminate child domestic labor.⁸²⁴ The project aims to prevent the entry of children into domestic labor, withdraw current child domestic workers from employment, gradually enroll them in school or provide vocational training, and improve overall family income.⁸²⁵ Colombia is also participating in a two-year ILO-IPEC project funded by USDOL on the prevention and elimination of child labor in small-scale mining that includes efforts to improve social services, increase the efficiency and productivity of the mining system, and diversify economic activities.⁸²⁶ The Colombian government has also worked with ILO-IPEC to implement projects for working children involved in commercial sexual exploitation,⁸²⁷ agriculture and urban work.⁸²⁸ The government has collected data on child labor and is preparing a report with technical assistance from ILO-IPEC's SIMPOC.⁸²⁹

⁸²³ ILO-IPEC, *IPEC action against child labour: Highlights 2002*, Geneva, October 2002, 16. Prior to 2002, the Government of Colombia was an associated country of ILO-IPEC, which allowed for the initiation of projects in the country. See ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited December 4, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁸²⁴ ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, 1. In April 2002 the project was extended until March 2004. See ILO-IPEC, *Modification Number 1: Prevention and Elimination of Child Domestic Labor in South America*, Geneva, April 2002.

⁸²⁵ ILO-IPEC, *Domestic Labor in South America*, project document, 8, 9. Save the Children and UNICEF have designed a database that will house information regarding the impact of this project. See also ILO-IPEC, "UNICEF, Save the Children UK e IPEC unidos contra el Trabajo Infantil Doméstico," *Encuentros* no. 2 (December 2001), [cited December 26, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero2/Boletindos/notipec.html>.

⁸²⁶ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining-Colombia*, project document, COL/01/P50/USA, Geneva, September 25, 2001, 20.

⁸²⁷ ILO-IPEC, "Comunidad de Madrid (España) apoya proyecto de Erradicación de la Explotación Sexual Infantil en Barranquilla, Colombia," *Encuentros* 1 no. 2 (December 2001), [cited December 26, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero2/Boletindos/notipec.html>.

⁸²⁸ ILO-IPEC, *Domestic Labor in South America*, project document, 6.

⁸²⁹ ILO-IPEC, *IPEC action against child labour*, 76.

In 1997, a National Commission for the Eradication of Child Labor was established,⁸³⁰ and in 2000, a two-year plan of action was developed.⁸³¹ The objectives of the plan are the consolidation of a national child labor information system; transformation of cultural standards that support child labor; legislative and public policy reform; withdrawal of children from the worst forms of child labor; and coordination of efforts among national, regional, and local governments.⁸³² Government efforts have also removed minors from guerrilla and military self-defense groups, and sought to prevent their recruitment in the future.⁸³³ The Colombian Institute for Family Welfare and other government agencies initiated a project in July 2002 to remove children from street work in the city of Cali.⁸³⁴

The government is also working with international development banks and other institutions to promote the welfare of children in Colombia. In August 2002, the World Bank approved a USD 155 million loan to Colombia to strengthen social safety nets, which includes initiatives to improve child health and education.⁸³⁵ This support complements two other recent World Bank loans to the Colombian government. In 2001, a three-year USD 150 million loan was awarded to alleviate the impact of economic crisis on the country's vulnerable populations through a variety of initiatives,

⁸³⁰ ILO-IPEC, *Domestic Labor in South America, project document*, 6. The commission is composed of members from government, employer and union organizations, and NGOs including the Ministries of Labor, Education and Health, the Department of National Planning, and the National Statistics Department. See U.S. Embassy- Bogotá, *unclassified telegram no. 9111*, October 2001.

⁸³¹ Inter-Institutional Committee for the Erradication of Child Labor and the Protection of Young Workers, *Plan Nacional de Acción para la Erradicación del Trabajo Infantil y la Protección de los Jóvenes Trabajadores entre 15 y 17 años*, ILO-IPEC, Lima, February 2000, [cited December 26, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/plancol0002.doc>.

⁸³² Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of Child Labor*, Ministry of Labor and Social Security, Ministry of Exterior Commerce and Ministry of External Relations, Bogotá, 2001, 6. See also Inter-Institutional Committee for the Erradication of Child Labor and the Protection of Young Workers, *Plan Nacional de Acción*, 15. However, by the summer of 2002, the majority of activities laid out in the two year national plan had not been carried out. Ministry of Labor and Social Welfare, *Plan de Acción Año 2002 Dirección de Trabajo*, [online] August 13, 2002 [cited August 15, 2002]; available from <http://www.mintrabajo.gov.co/paginicial.htm>.

⁸³³ Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of Child Labor*, 7. With the support of UNICEF, the International Organization for Migration and Save the Children UK, governmental and nongovernmental organizations established a committee devoted to child demobilization in 2000. See UNICEF Humanitarian Action, *Colombia: Donor Update*, May 29, 2002, [cited September 6, 2002]; available from <http://www.unicef.org/emerg/Appeals.htm#GlobalUpdate>.

⁸³⁴ Colombian Institute of Family Welfare, *En Cali: Operativo para menores de 10 años*, [online] 2002 [cited August 15, 2002]; available from <http://www.icbf.gov.co/espanol/Noticias3.asp?IdNot=146>. ICBF has also developed awareness raising materials on child labor for use in schools and community centers. See Colombian Institute of Family Welfare, *Historietas al Derecho*, [online] 2002 [cited August 15, 2002]; available from <http://www.icbf.gov.co/espanol/historietas.htm>.

⁸³⁵ World Bank, *Strengthening Health and Education Reforms: World Bank approves \$155 million for social sector in Colombia*, [online] August 2, 2002 [cited August 16, 2002]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20059699~menuPK:34457~pagePK:34370~piPK:42768~theSitePK:4607,00.html>.

including efforts to increase school enrollment, reduce student absenteeism, and decrease drop-out rates.⁸³⁶ In 2000, the World Bank awarded a four-year USD 20 million loan to the government to improve the quality of and access to education in the country's rural areas.⁸³⁷ In 1999, the IDB approved financing for the government to initiate education reforms, including initiatives to ensure children are offered a full cycle of basic education,⁸³⁸ and in 2000, the IDB provided funding for a Ministry of Education project to provide support to families to increase school attendance and reduce primary and secondary dropout rates.⁸³⁹ The government is collaborating with the Organization of American States (OAS)⁸⁴⁰ and USAID on programs to rehabilitate former child soldiers.⁸⁴¹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 6 percent of children ages 10 to 14 years in Colombia were working.⁸⁴² In urban areas, child labor is concentrated in the retail and services sectors, and in activities such as street vending, waiting tables and prostitution,⁸⁴³ while in rural areas most of the

⁸³⁶ World Bank, *Human Capital Protection Project*, [online] August 12, 2002 [cited August 16, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P069964>.

⁸³⁷ World Bank, *Rural Education Project*, [online] August 12, 2002 [cited August 16, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050578>.

⁸³⁸ The goal of the project is to strengthen decentralized independent management and improve efficiency and equity in the allocation of resources as a means to offer better quality education services in the country. See Inter-American Development Bank, *New School System Program: Reform of Education Management and Participation*, IADB, Washington, September 1999, [cited December 26, 2002]; available from <http://www.iadb.org/exr/doc98/apr/CO1202E.pdf>.

⁸³⁹ Inter-American Development Bank, *Social Safety Net Program*, IADB, Washington, November 2000, [cited December 26, 2002]; available from <http://www.iadb.org/exr/doc98/apr/CO1280E.pdf>.

⁸⁴⁰ The OAS is supporting a training program for teachers of former child soldiers. Ministry of Education, *Proyectos de Cooperación Internacional en el Bienio 2000-2002*, [online] 2002 [cited August 19, 2002]; available from <http://www.mineducacion.gov.co/cooperacion/organismos.asp?org=OEA>. The Colombian government reports that spending on children affected by the country's armed conflict, including former child soldiers, is currently USD 4 million per year. See UN Committee on the Rights of the Child, *Summary record of the 656th meeting: Colombia*, United Nations, Geneva, February 9, 2001, [cited August 19, 2002]; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/1d70ca35b83c823ac12569f800397e64?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/1d70ca35b83c823ac12569f800397e64?Opendocument).

⁸⁴¹ USAID is funding a project to assist internally displaced persons in Colombia, which includes USD 2.5 million for the rehabilitation of child soldiers. USAID, *\$119.5 million for Economic, Social and Institutional Development*, USAID, Washington, D.C., March 30, 2001, [cited December 10, 2002]; available from <http://www.usaid.gov/press/releases/2001/fs010330.html>.

⁸⁴² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to a child labor survey conducted by the government in 1996, 20.5 percent of children and adolescents ages 12 to 17 in Colombia were working. Ministry of Labor and Social Security, "El Trabajo Infantil en Colombia: Cifras," *Colombia comprometida con la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador: Principales desarrollos 1996-1999* (1999), 5.

⁸⁴³ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

working children participate in uncompensated family agricultural and mining activities.⁸⁴⁴ Children also work in the cut flower industry and in coca picking.⁸⁴⁵

Children are involved in commercial sexual exploitation in Colombia; estimates range from approximately 4,500 to 35,000 children and adolescents.⁸⁴⁶ Colombia is a source country for children who are trafficked abroad to Spain, Japan and the United States as well as internally for sexual exploitation.⁸⁴⁷ In 2001, some estimates placed the number of women and children trafficked outside Colombia for sexual exploitation or forced labor at 500,000.⁸⁴⁸ An insurgent campaign to overthrow the government has been ongoing for more than 40 years,⁸⁴⁹ and the government has estimated that 6,000 children serve as combatants in the guerrilla forces and paramilitary militias.⁸⁵⁰ Children are forcibly recruited to carry out such tasks as kidnapping and guarding of hostages, and to serve as human shields, messengers, spies, sexual partners, and “mules” to transport arms and bombs.⁸⁵¹

The Constitution requires children between the ages of 5 and 15 to attend school, and education is free in state institutions.⁸⁵² In 1998, the gross primary enrollment rate was 112.0 percent, and the net primary enrollment rate was 86.7 percent.⁸⁵³ A Colombian Government survey indicated that in 1999, the primary school drop-out rate was 7.4 percent.⁸⁵⁴ In 1995, the gross primary attendance rate was 148.1 percent, and the net primary attendance rate was 89.5 percent.⁸⁵⁵ While

⁸⁴⁴ ILO-IPEC, *Small Scale Mining-Colombia*, project document, 7.

⁸⁴⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Colombia*, Washington, D.C., March 4, 2002, 2717-28 [cited August 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8326.htm>. See also U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁴⁶ Youth up to and including age 19 are included in this estimate. UNICEF, *Foro Sobre Experiencias Nacionales de Atención y Prevención de la Explotación Sexual de Niños y Niñas en Colombia*, [online] January 26, 2001 [cited August 15, 2002]; available from www.unicef.org/colombia/boletines/Boletin-ene-26-01.htm.

⁸⁴⁷ U.S. Department of State, *Trafficking in Persons Report- 2002: Colombia*, Washington, D.C., June 5, 2002, 40 [cited December 10, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁸⁴⁸ International Office for Migration, *New IOM Figures on the Global Scale of Trafficking*, (No. 23), IOM, [online] 2001 [cited July 10, 2002]; available from http://www.iom.int/iom/Publications/Trafficking_in_Migrants.htm.

⁸⁴⁹ CIA, *The World Factbook 2001*, [online] 2001 [cited August 21, 2002]; available from <http://www.cia.gov/cia/publications/factbook/geos/co.html#top>.

⁸⁵⁰ UN Committee on the Rights of the Child, *Summary Record: Colombia*. See also UNICEF Humanitarian Action, *Colombia: Donor Update*.

⁸⁵¹ Coalition to End the Use of Child Soldiers, “Colombia,” in *Global Report 2001* London, 2001, [cited December 10, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

⁸⁵² *Constitución Política de Colombia de 1991, actualizada hasta reforma de 2001*, (1991), [cited August 21, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Colombia/col91.html>.

⁸⁵³ World Bank, *World Development Indicators 2002*.

⁸⁵⁴ Ministry of Education: Direction of Planning, *Estadísticas Educativas de Colombia*, [online] 2000 [cited August 19, 2002]; available from http://www.mineducacion.gov.co/estadisticas_educativas/prdf2000_archivos/sheet001.htm.

⁸⁵⁵ Although somewhat dated, these are the most recent attendance statistics available for Colombia. USAID, *Development Household Survey*, 2000.

basic education enrollment improved over the 1990s,⁸⁵⁶ many children in rural and low-income populations in Colombia face obstacles to attending school.⁸⁵⁷

Child Labor Laws and Enforcement

Colombia's Labor Code sets the minimum age for employment at 14 years, but also defines special conditions under which children ages 12 and 13 are authorized to perform light work with permission from parents and labor authorities.⁸⁵⁸ Article 44 of the Colombian Constitution calls for the protection of children against all forms of economic exploitation, exploitation in employment and hazardous work.⁸⁵⁹ Decree 1974, enacted in 1996, created the Committee to Fight against Trafficking in Persons, Especially Women and Children,⁸⁶⁰ and in 2001, Colombia passed an anti-trafficking in persons law.⁸⁶¹ Law 548 of 1999 establishes that persons below the age of 18 cannot perform military service.⁸⁶²

The Ministry of Labor, the Colombian Institute for Family Welfare, the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the entities authorized to implement and enforce the country's child labor laws and regulations.⁸⁶³ The Labor Ministry has inspectors throughout the country who are responsible for conducting child labor inspections, but the system lacks resources and is only able to cover a small percentage of the child labor force employed in the formal sector.⁸⁶⁴ The Prosecutor General's Specialized Sex Crimes and Human Dignity Unit reported in 2000 that from August 1999 to August 2000 it opened 41 cases in which a child under 14 were lured into prostitution.⁸⁶⁵ Police actively investigate trafficking offenses but a lack of resources, an inadequate witness protection system and an inefficient judicial system hinder prosecution.⁸⁶⁶ The government is unable to enforce the legal prohibition against forced labor by children in the country's armed conflict.⁸⁶⁷

⁸⁵⁶ UNESCO, *Education for All 2000 Assessment: Country Reports-Colombia*, prepared by Ministry of National Education, pursuant to UN General Assembly Resolution 52/84, September 1999, 7 [cited December 26, 2002]; available from <http://www2.unesco.org/wef/countryreports/colombia/contents.html>.

⁸⁵⁷ *Ibid.*, 6.

⁸⁵⁸ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁵⁹ Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of Child Labor*, 4.

⁸⁶⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁶¹ U.S. Department of State, *Trafficking in Persons Report: Colombia*, 40.

⁸⁶² Coalition to End the Use of Child Soldiers, "Global Report 2001: Colombia."

⁸⁶³ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁶⁴ U.S. Department of State, *Country Reports- 2001: Colombia*, 2722-28, Section 6d.

⁸⁶⁵ *Ibid.*, 2717-22, Section 5.

⁸⁶⁶ U.S. Department of State, *Trafficking in Persons Report: Colombia*, 40.

⁸⁶⁷ U.S. Department of State, *Country Reports- 2001: Colombia*. For example, in January 2002, there were reports of children being killed by guerrilla forces for deserting. See Coalition to End the Use of Child Soldiers: International Secretariat, "Colombia: Children Killed for Deserting the FARC," *Child Soldiers Newsletter*, March 2002.

The Government of Colombia ratified ILO Convention 138 on February 2, 2001, but has not ratified ILO Convention 182.⁸⁶⁸

⁸⁶⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 21, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Comoros

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

In March 2002, the Government of Comoros participated in a two-day conference on child exploitation with seven other francophone African countries. The conferees agreed to define a “child” as a person under the age of 18 and produced a list of 21 guiding principles for child exploitation activities that need to be banned in their nations.⁸⁶⁹ The government has also worked together with UNICEF to evaluate the extent of child labor⁸⁷⁰ and improve girls’ education,⁸⁷¹ and with the World Bank since 1997 on a USD 7.5 million project to improve primary and vocational education.⁸⁷² From 2002 to 2007, the government will collaborate with the European Commission on various projects in the education sector aimed at the rehabilitation of elementary education infrastructure, the development of technical and vocational training, institutional capacity building, the improvement of quality secondary education, and the rationalization of higher education.⁸⁷³

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 36.7 percent of children ages 5 to 14 years in Comoros were working.⁸⁷⁴ Children work in the informal sector, in agriculture, and in family enterprises,

⁸⁶⁹ The other countries participating in the meeting were: Mali, Burundi, Cameroon, Congo (Republic of), Morocco, Senegal and Tunisia. See UN Integrated Regional Information Networks, *Nations Press Ahead to End Child Exploitation*, allAfrica.com, [online] April 2, 2002 [cited September 10, 2002]; available from <http://www.allafrica.com/stories/printable200204020605.html>.

⁸⁷⁰ UN Committee on the Rights of the Child, *Summary Record of the 666th Meeting: Comoros*, CDC/C/SR.666, Geneva, June 2001, para. 39.

⁸⁷¹ UNICEF has also supported the Government of Comoros to implement the following activities: a 2000 study to establish baseline performance indicators for children in grade 4; the collection of data for the 2000 Education for All reports; and a reconciliation accord in February 2001 to bring about political stability to the country. Government of Comoros, *Girls’ Education in Comoros*, UNICEF, [cited September 10, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Comorosfinal.PDF.

⁸⁷² World Bank, *Projects, Policies and Strategies: Education Project (03)*, online, P000603, April 30, 1997, [cited December 26, 2002]; available from <http://www4.worldbank.org/projects/Project.asp?pid=P000603>.

⁸⁷³ afrol News, *Comoros and Europe Agree on Cooperation Programme*, [online] 2002 [cited September 9, 2002]; available from http://www.afrol.com/News2002/com010_eu_cooperation.htm.

⁸⁷⁴ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Government of Comoros, *Multiple Indicator Cluster Survey 2 (MICS2): Standard Tables for Comoros*, UNICEF Statistics, Table 42a [cited September 10, 2002]; available from <http://www.childinfo.org/MICS2/newreports/comoros/comoros.htm>.

particularly in subsistence farming and fishing.⁸⁷⁵ Children, some as young as 7 years old, also work as domestic servants, in exchange for food and shelter.⁸⁷⁶ Migration from rural areas and poverty have led to a growing number of children working and living on the streets.⁸⁷⁷ Armed separatist groups in Anjouan, an island in Comoros, have reportedly been recruiting children between the ages of 13 and 16 years.⁸⁷⁸

Primary education is compulsory until the age of 10.⁸⁷⁹ In 1998, the gross primary enrollment rate was 75.9 percent, and the net primary enrollment rate was 49.7 percent.⁸⁸⁰ According to UNICEF, only 22.1 percent of boys and 26.9 percent of girls who start primary school reach grade 5.⁸⁸¹ Attendance is not enforced by the government,⁸⁸² and only 31.2 percent of all primary school children ages 6 to 12 attend school.⁸⁸³ There is a general lack of facilities, equipment, qualified teachers, and textbooks and other resources.⁸⁸⁴ Salaries for teachers are low and often so far in arrears that many teachers refuse to work.⁸⁸⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁸⁸⁶ The government does not prohibit forced and bonded labor by children, but the Constitution prohibits these types of labor generally.⁸⁸⁷ Prostitution is illegal in Comoros and procurement is prohibited under Article 322 of the Criminal Code.⁸⁸⁸ A procurer is punished with a fine and imprisonment from one to three

⁸⁷⁵ 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- 2001: Comoros*, Washington, D.C., March 4, 2002, 142-43, Section 6d [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8316pf.htm>.

⁸⁷⁶ UN Committee on the Rights of the Child, *Concluding Reports*. See also UN Committee on the Rights of the Child, *Summary Record*, para. 3.

⁸⁷⁷ UN Committee on the Rights of the Child, *Concluding Reports*, para. 39. See also UN Committee on the Rights of the Child, *Summary Record*, para. 3.

⁸⁷⁸ UN Committee on the Rights of the Child, *Summary Record*, para. 41.

⁸⁷⁹ U.S. Department of State, *Country Reports-2001: Comoros*, 141-42, Section 5.

⁸⁸⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁸⁸¹ Government of Comoros, *MICS2: Standard Tables for Comoros*, Table 10.

⁸⁸² U.S. Department of State, *Country Reports-2001: Comoros*, 141-42, Section 5.

⁸⁸³ Government of Comoros, *MICS2: Standard Tables for Comoros*, Table 11.

⁸⁸⁴ UN Committee on the Rights of the Child, *Concluding Reports*, para. 43. See also Government of Comoros, *Girls' Education in Comoros*.

⁸⁸⁵ UN Committee on the Rights of the Child, *Summary Record*, para. 23.

⁸⁸⁶ U.S. Department of State, *Country Reports-2001: Comoros*, 142-43, Section 6d.

⁸⁸⁷ *Ibid.*, 142-43, Sections 6d and 6e.

⁸⁸⁸ *Criminal Code of Comoros*, [cited September 9, 2002]; available from <http://www.protectionproject.org>.

years.⁸⁸⁹ The Code specified higher penalties (two to five years) if this crime is committed against a minor, or if its committed with threats, coercion, violence, assault, or the abuse of authority.⁸⁹⁰ Article 323 of the Criminal Code also provides increased penalties for procurement in the context of international trafficking.⁸⁹¹ The government does not enforce labor laws,⁸⁹² in part because of a lack of labor inspectors and general dearth of resources.⁸⁹³

The Government of Comoros has not ratified ILO Convention 138 or ILO Convention 182.⁸⁹⁴

⁸⁸⁹ Ibid.

⁸⁹⁰ Ibid.

⁸⁹¹ Ibid.

⁸⁹² UN Committee on the Rights of the Child, *Concluding Reports*, para. 48.

⁸⁹³ U.S. Department of State, *Country Reports-2001: Comoros*, 141-43, Section 5 and 6d.

⁸⁹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 9, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Congo, Democratic Republic of the

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

The Democratic Republic of the Congo (DRC) is an associated country of ILO-IPEC.⁸⁹⁵ The government is participating in a regional four-year, USDOL-funded ILO-IPEC program designed to prevent the involvement of children in armed conflicts in Central Africa. The first phase of the project gathered basic information on the needs of children involved in conflicts in the region and established mechanisms for regional information sharing and coordination.⁸⁹⁶ In 2002, government officials participated in awareness raising activities on child labor organized by ILO-IPEC in conjunction with the African Cup of Nations.⁸⁹⁷

The government has received support from various international organizations for projects to assist children involved or at risk of involvement in the armed conflict in the DRC. In 2000, DRC President Joseph Kabila established a demobilization program for children and other vulnerable groups involved in the nation's conflict, and created the National Bureau for Demobilization and Reintegration to head the effort in conjunction with UNICEF.⁸⁹⁸ The actual demobilization of children began in 2001.⁸⁹⁹ The demobilization program is providing support for family tracing services, medical assistance, psychological rehabilitation, and reintegration orientation for former child soldiers, as well as support for research and awareness raising with families in order to achieve acceptance of the returning children.⁹⁰⁰

The government is also receiving support from UNICEF, other UN agencies and NGOs on a project to improve the country's education system by providing displaced and other war-affected children

⁸⁹⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited November 11, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁸⁹⁶ The first phase of the project ended in 2002. The second phase of the project is estimated to be completed in three years. See ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, project document, Geneva, July 2001, 1, 11. See also 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, September 15, 2002, Section 2.

⁸⁹⁷ F. Keita, *La Campagne 'Carton Rouge au Travail des Enfants' au Cameroun et en Republique Democratique du Congo (RDC), A L'occasion de la coupe d'Afrique des Nations*, ILO-IPEC, [online] June 11, 2002 [cited August 29, 2002]; available from <http://www.ilo.org/organization/public/french/region/afpro/yaounde/mdtyaounde/download/fk0502.htm>.

⁸⁹⁸ S.E. Mme Jeanne Ebamba Boboto, Minister of Social Affairs, Statement at the UN Special Session on Children, May 10, 2002, [cited December 26, 2002]; available from <http://www.un.org/ga/children/drcF.htm>.

⁸⁹⁹ The rebel group Rassemblement Congolais pour la Démocratie (RCD) has since signed a plan of action with UNICEF for the demobilization of child soldiers. See UNICEF, *A Humanitarian Appeal for Children and Women: January - December 2002, Democratic Republic of Congo (DRC)*, 2002, [cited August 26, 2002]; available from <http://www.unicef.org/emerg/Appeals/2002/drcongo2.pdf>. See also UNICEF, *Children Affected by Armed Conflict: UNICEF Actions*, New York, May 2002, 39.

⁹⁰⁰ UNICEF, *A Humanitarian Appeal for Children and Women*.

with basic education,⁹⁰¹ and on a project for girls to increase enrollment, reduce drop-out rate, and encourage transition to secondary education.⁹⁰² The World Bank is providing support to the government to address data, policy and capacity gaps in the DRC so as to enable the country to qualify for funding under the UN fast-track Education for All grant financing program.⁹⁰³

Incidence and Nature of Child Labor

In 2001, UNICEF estimated that 24.2 percent of children ages 5 to 14 years in the DRC were working.⁹⁰⁴ Children work in the informal sector and in subsistence agriculture, which constitute the largest sectors of the economy.⁹⁰⁵ Children work in mining,⁹⁰⁶ garbage collecting⁹⁰⁷ and drug trafficking,⁹⁰⁸ and as porters and errand boys.⁹⁰⁹ Girls as young as 8 years of age have reportedly been forced into prostitution,⁹¹⁰ while other children hunt or fish to support their families instead of

⁹⁰¹ Ibid.

⁹⁰² UNICEF, *Girls' Education in the Democratic Republic of Congo*, 2002, [cited September 3, 2002]; available from www.unicef.org/programme/girlseducation/action/ed_profiles/DRCfinal.pdf.

⁹⁰³ Integrated Regional Information Networks, "DRC: World Bank to Assist Education Sector", IRINnews.org, [online], June 13, 2002 [cited August 26, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=28310>. USAID works with international NGOs and citizens' groups on projects that address girls' education and the reintegration of demobilized child soldiers, street children, and child prostitutes into society. See USAID, *Democratic Republic of the Congo (DRC)*, 2002 [cited 26 August 2002]; available from <http://www.usaid.gov/country/afr/cd/>.

⁹⁰⁴ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants et des femmes, MICS2/2001*, UNICEF, Kinshasa, July 2002, Volume II, 177 [cited December 26, 2002]; available from <http://www.childinfo.org/MICS2/newreports/drc/mics2%20rapport%20final%20.pdf>. The births of many children in the DRC are not registered, which facilitates the exploitation of such children by child traffickers and increases their risk of early military recruitment and child labor. UNICEF has called on the government to promote the free registration of children at birth. See UN Office for the Coordination of Humanitarian Affairs, *Great Lakes: UNICEF calls for free registration of births*, [online] August 26, 2002 [cited August 26, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=28177>.

⁹⁰⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Democratic Republic of the Congo*, Washington, D.C., March 4, 2002, 168-70, Section 6d [cited December 10, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8322pf.htm>.

⁹⁰⁶ UN Committee on the Rights of the Child, *Consideration of Reports of State Parties: Initial report of the Democratic Republic of the Congo (continued)*, CRC/C/SR.706, United Nations, Geneva, June 3, 2002, 4 [cited December 26, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/88d505fd9d41bac1256bd50039279b?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/88d505fd9d41bac1256bd50039279b?OpenDocument).

⁹⁰⁷ Save the Children (UK), *Children's Lives: Surviving the Streets*, [online] 2002 [cited August 26, 2002]; available from http://www.savethechildren.org.uk/functions/indx_search.html.

⁹⁰⁸ NGO Working Group for the Rights of the Child, *Rapport Alternatif et évaluatif des ONGs sur l'application de la convention relative aux droits de l'enfant par la République Démocratique du Congo*, Kinshasa, October 2000, [cited December 10, 2002]; available from <http://www.hrlawgroup.org/resources/content/ChildRightsShadow.pdf>.

⁹⁰⁹ Save the Children (UK), *Children's Lives: Surviving the Streets*.

⁹¹⁰ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6d.

attending school.⁹¹¹ Many street children in the DRC's major towns and cities work in extremely hazardous conditions, and are at risk of sexual exploitation or recruitment into the armed forces.⁹¹²

In 2002, UNICEF estimated that 15,000 child soldiers were engaged in the conflict in the DRC.⁹¹³ In 2001, there were reports that children as young as 13 years were recruited as soldiers in the Congolese Armed Forces (FAC).⁹¹⁴ Children as young as 8 years old have been recruited into local militias.⁹¹⁵ During 2001, the government stopped encouraging the enlistment of children in paramilitary organizations.⁹¹⁶ To date, there is no information available on the recruitment of children by the armed forces in 2002. Congolese child soldiers serve as runners, bodyguards, porters, spies, and fighters on the frontlines.⁹¹⁷ There have been reports that the FAC sexually exploits homeless girls.⁹¹⁸ Children from the DRC have been trafficked to Europe for purposes of commercial sexual exploitation.⁹¹⁹ Children from other African countries are trafficked to the DRC and forcibly recruited into rebel militias.⁹²⁰

⁹¹¹ Ibid., 165-68, Section 5.

⁹¹² ChristianAid, Oxfam, and Save the Children UK, *No End in Sight: The human tragedy of the conflict in the Democratic Republic of Congo*, OXFAM, August 2001, [cited September 3, 2002]; available from <http://www.oxfam.org.uk/policy/papers/drc2.htm>.

⁹¹³ The number of child soldiers fighting in the DRC is estimated to be higher than the number of child soldiers fighting in any other conflict in the region, including Angola, Uganda, Sudan and Rwanda, as well as Sierra Leone in West Africa. See UN Wire, *Great Lakes: UNICEF Works to Reintegrate 35,000 Child Soldiers*, United Nations Foundation, [online] October 7, 2002 [cited October 8, 2002]; available from http://www.unfoundation.com/unwire/util/display_stories.asp?objid=29441.

⁹¹⁴ UN Committee on the Rights of the Child, *Committee on the Rights of the Child Starts Consideration of Report of Democratic Republic of the Congo: Delegation Asked to Clarify the Fate of Children Sentenced to Capital Punishment, Child-Soldiers*, [online] May 28, 2001 [cited September 3, 2002]; available from <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D33F9C5FC1976910C1256A5B0057D64A?opendocument>.

⁹¹⁵ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," *Child Soldiers Newsletter* # 3 (March 2002), 8.

⁹¹⁶ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 146-58, Section 1f.

⁹¹⁷ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," 8.

⁹¹⁸ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 146-58, Section 1c.

⁹¹⁹ Protection Project, "Democratic Republic of the Congo," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited August 29, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6f.

⁹²⁰ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC."

Education in the DRC is neither compulsory nor free.⁹²¹ In 1998, the gross primary enrollment rate was 46 percent, and the net primary enrollment rate was 32.1 percent.⁹²² In 2001, the net primary attendance rate was 51.7 percent.⁹²³ Barriers to attendance include parents' inability to pay school fees, dilapidated school facilities and population displacement.⁹²⁴

Child Labor Laws and Enforcement

Article 115 of the Labor Law sets the minimum age for employment in businesses, including as an apprentice, at 14 years.⁹²⁵ Children between the ages of 14 and 18 may work with the consent of a parent or guardian; those under 16 may work up to four hours per day; those 16 to 18 years may work up to eight hours per day.⁹²⁶ Children under the age of 18 are prohibited from working at night in public or private establishments.⁹²⁷ The draft Constitution contains prohibitions against forced labor,⁹²⁸ the recruitment of children in national defense forces or children's participation in hostilities.⁹²⁹ The Constitution has not been officially adopted, however.⁹³⁰ Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution.⁹³¹ There are no specific laws that prohibit trafficking.⁹³²

⁹²¹ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 165-68, Section 5. See also Right to Education, *International Obligations and Access to Remedies: Congo (Democratic Republic of the, formerly Zaire)*, [online] 2002 [cited November 13, 2002]; available from http://www.right-to-education.org/content/index_4.html. A 1986 law that would have required children to attend school until age 15 never entered into force. See UN Committee on the Rights of the Child, *Consideration of Reports of State Parties: Democratic Republic of the Congo*, 7.

⁹²² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁹²³ Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants*, 1, 73. Gross attendance rates for DRC are not available.

⁹²⁴ ChristianAid, Oxfam, and Save the Children UK, *No End in Sight*.

⁹²⁵ Government of the Democratic Republic of the Congo, *Code du Travail, Ordonnance-Loi no. 67/310 du 9 Août 1967 constituant le Code du Travail, dans sa teneur modifiée au 31 décembre 1996*, Article 115 [cited August 31, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁹²⁶ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6d.

⁹²⁷ *Code du Travail*, Article 106.

⁹²⁸ *Ebauche de la Constitution de la Republique Democratique du Congo*, Article 15 [cited February 2, 2002]; available from <http://confinder.richmond.edu/congo?k.htm>.

⁹²⁹ *Ibid.*, Article 43.

⁹³⁰ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 143-46, Introduction. See also Right to Education, *International Obligations and Access to Remedies: Congo (Democratic Republic of the, formerly Zaire)*.

⁹³¹ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 165-68, Section 5. Area NGOs, however, have stated that the country lacks legal protections against sexual exploitation of children, including for commercial purposes. See NGO Working Group for the Rights of the Child, *Rapport Alternatif et évaluatif des ONGs sur l'application de la convention relative aux droits de l'enfant*.

⁹³² U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6f.

Although responsible for enforcing child labor laws, the Ministry of Labor makes little effort to do so.⁹³³ The Government of the DRC, and particularly its military court, fails to provide basic protections to children. Some former child soldiers as young as 11 years have been imprisoned and, although very little information is available in regard to these children, human rights groups say some children have been tortured and at least one was forced to execute another.⁹³⁴

The Government of the Democratic Republic of the Congo ratified both ILO Convention 138 and ILO Convention 182 on June 20, 2001.⁹³⁵

⁹³³ Ibid., 168-70, Section 6d.

⁹³⁴ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," 8-9. See also UN Committee on the Rights of the Child, *Committee on the Rights of the Child Starts Consideration of Report: Delegation Asked to Clarify the Fate of Children*.

⁹³⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Congo, Republic of

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

The Republic of Congo is an associated country of ILO-IPEC.⁹³⁶ The Government of the Republic of Congo is participating in a regional, four-year ILO-IPEC program funded by USDOL that is designed to prevent the involvement of children in armed conflicts in Central Africa. The first phase of the project gathered basic information on the needs of children involved in conflicts in the region and established mechanisms for regional information sharing and coordination.⁹³⁷

The Government of the Republic of Congo is also receiving support from UNICEF for efforts to demobilize child soldiers and to compile information on children separated from their families.⁹³⁸ In addition, UNICEF is promoting the free registration of children at birth, since many children in the area go undocumented, facilitating their exploitation by child traffickers.⁹³⁹

With support from various governments, private sector organizations and the World Bank, UNDP initiated a two-year project in the Congo in 2000 aimed at re-establishing basic social services and creating economic opportunities in communities affected by the recent war. The project has provided support for the rehabilitation of the school system in certain areas of the country, provided supplies for health centers, and encouraged HIV-AIDS education in the schools.⁹⁴⁰ In 2002, the World Bank initiated an emergency reconstruction project in the country that will include financing for school rehabilitation.⁹⁴¹

⁹³⁶ ILO-IPEC, *All About IPEC: Programme Countries*, [cited November 16, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁹³⁷ The first phase of the project ended in 2002. The second phase of the project is estimated to be completed in three years. 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)*, project document, Geneva, July 2001, 1, 11. See also ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, technical progress report, Geneva, September 15, 2002, Section II.

⁹³⁸ UNICEF, *A Humanitarian Appeal for Children and Women: January - December 2002, Great Lakes Region*, 2002, [cited August 26, 2002]; available from <http://www.unicef.org/emerg/Appeals/2002/qlr2.pdf>.

⁹³⁹ Integrated Regional Information Networks, "Great Lakes: UNICEF calls for free registration of births", IRINnews.org, [online], June 6, 2002, [cited August 26, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=28177>.

⁹⁴⁰ United Nations Development Programme, *Action communautaire pour le rétablissement post-conflit*, 2002 [cited August 26, 2002]; available from http://mirror.undp.org/congo/Proj_community_action_fr.htm.

⁹⁴¹ World Bank, *Congo, Republic of: Emergency Reconstruction, Rehabilitation, and Living Conditions Improvement Project*, Washington, D.C., January 2002, 4-5.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 25.4 percent of children ages 10 to 14 years in the Republic of the Congo were working.⁹⁴² Children work for their families in rural areas or in informal business activities in cities.⁹⁴³ Isolated cases of child prostitution have also been reported, particularly among the growing numbers of street children.⁹⁴⁴ There have been reports of trafficking of children between the Congo and other countries in the region,⁹⁴⁵ but there is little information on the subject.⁹⁴⁶ Although children were recruited by pro-government militias and rebel groups during the full-scale civil war that began in 1997 and ended in 2000,⁹⁴⁷ there were no substantiated reports of the use of child soldiers in 2001.⁹⁴⁸

Primary school education is compulsory for children between the ages of 6 and 11.⁹⁴⁹ In 1998, the gross primary enrollment rate was 57.4 percent, a substantial decline from earlier in the decade before civil war began.⁹⁵⁰ Enrollment at pre-primary through university level education was reportedly down in 2000 as well.⁹⁵¹ Between 40 and 50 percent of the Congo's school-age children

⁹⁴² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁹⁴³ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Congo*, Washington, D.C., March 4, 2002, 179-80, Section 6d [cited December 10, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8335.htm>.

⁹⁴⁴ Ibid.

⁹⁴⁵ Ibid., 179-80, Section 6f.

⁹⁴⁶ Protection Project, "Republic of Congo," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited December 10, 2002]; available from <http://www.protectionproject.org/main1.htm>.

⁹⁴⁷ Coalition to Stop the Use of Child Soldiers, "Congo," in *Global Report 2001*, [cited August 28, 2002]; available from <http://childsoldiers.amnesty.it/cs/childsoldiers.nsf/index/english?OpenDocument>.

⁹⁴⁸ U.S. Department of State, *Country Reports- 2001: Congo*, 179-80, Section 6d. In addition to the past use of child soldiers in the Republic of Congo, in the past there have been reports that ethnic Pygmies, possibly including children, have worked as indentured servants for ethnic Bantus in remote northern areas of the country. There were no reports of the problem, however, in 2001. Little reliable information exists on the issue. See U.S. Department of State, *Country Reports- 2001: Congo*, 177-79, Section 5. The government argues that what may appear to be slavery is in fact an arrangement whereby the Pygmies, who are hunters, work for monetary or in-kind compensation on farms owned by the Bantus. See Embassy of the Republic of Congo, diplomatic note 2267/MAECF-CAB/CAJ, letter to USDOL official, October 25, 2001.

⁹⁴⁹ International Association of Universities, *Higher Education System: Congo—Education System*, UNESCO, [online] [cited August 31, 2002]; available from <http://www.unesco.org/iau/cd?data/cg.rtf>. A referendum on a new constitution was held in early 2002 but information on the results is not available. The proposed constitution calls for free and obligatory schooling until the age of 16. Congo-Brazzaville Project 2001, *Avant-projet de Constitution*, [online] [cited August 29, 2002]; available from <http://www.congoweb.net/congo/avant-projet-de-constitution.html>.

⁹⁵⁰ Net primary enrollment rates are unavailable for the Congo. See World Bank, *World Development Indicators 2002*.

⁹⁵¹ UN Economic and Social Council, *Summary record of the 17th meeting: Congo 11/5/2000*, E/C.12/2000/SR.17, United Nations, Geneva, May 11, 2000, 4 [cited August 29, 2002]; available from [http://www.unhchr.Chicago/tbs/doc.nsf/\(Symbol\)/49f947f17a4db5802568e700569bd5?OpenDocument](http://www.unhchr.Chicago/tbs/doc.nsf/(Symbol)/49f947f17a4db5802568e700569bd5?OpenDocument).

reportedly do not attend school.⁹⁵² Many classroom buildings were damaged during the civil war; schools have few educational materials and poor hygiene and sanitation systems;⁹⁵³ and teachers lack training.⁹⁵⁴ High drop-out rates in urban and rural areas are reportedly due to poverty, teacher absenteeism, and poor learning conditions. According to UNICEF, 1,714 schools in the country needed rehabilitation in 2001.⁹⁵⁵ The lack of resources has made it very difficult for the Ministry of Education to rehabilitate the facilities and rebuild the system.⁹⁵⁶ More recent statistics that might reflect post-war rehabilitation efforts are not available.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years, unless otherwise permitted by the Ministry of Education.⁹⁵⁷ The law prohibits forced or compulsory labor.⁹⁵⁸ Procuring any person for the purposes of prostitution is illegal, with increased punishment if the crime is committed with a minor.⁹⁵⁹ The Ministry of Labor is responsible for enforcing child labor laws and monitors businesses in the formal sector, but most child labor occurs in the informal sector or rural areas that lack government oversight.⁹⁶⁰

The Government of the Republic of the Congo ratified ILO Convention 138 on November 26, 1999, and ratified ILO Convention 182 on April 29, 2002.⁹⁶¹

⁹⁵² Integrated Regional Information Networks, *UNICEF to Build and Rehabilitate Schools*, allAfrica.com, [online] September 7, 2001 [cited September 3, 2002]; available from <http://allafrica.com/stories/200109070016.html>. See also UNICEF, *UNICEF Emergency Programmes, Republic of Congo Donor Update*, March 7, 2000, [cited September 3, 2002]; available from <http://www.unicef.org/emerg/congomar.htm>.

⁹⁵³ UNICEF, *UNICEF Humanitarian Action: Republic of Congo Donor Update*, September 4, 2001, [cited September 3, 2002]; available from <http://www.reliefweb.int/w/Rwb.nsf/VID/2C45D0903EF3950D85256ABD005B3D8D?OpenDocument>.

⁹⁵⁴ Integrated Regional Information Networks, *UNICEF to Build and Rehabilitate Schools*.

⁹⁵⁵ UNICEF, *UNICEF Humanitarian Action*.

⁹⁵⁶ Ibid.

⁹⁵⁷ Government of the Republic of Congo, *Labor Code*, Article 116 [cited August 29, 2002]; available from <http://droit/francophonie.org/BJ/TexteHTM/CG0/CG0E0007A.htm>. See also Embassy of the Republic of Congo, letter, October 25, 2001. The proposed Constitution maintains this age limit. See Congo-Brazzaville Project 2001, *Avant-projet de Constitution*, Article 34.

⁹⁵⁸ *Labor Code*, Article 4. See also Embassy of the Republic of Congo, letter, October 25, 2001.

⁹⁵⁹ Government of the Republic of Congo, *Criminal Code*, Articles 225-5, 6 and 7 [cited August 31, 2002]; available from <http://www.protectionproject.org/main1.htm>.

⁹⁶⁰ U.S. Department of State, *Country Reports- 2001: Congo*, 179-80, Section 6d.

⁹⁶¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Costa Rica

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

The Government of Costa Rica has been a member of ILO-IPEC since 1996.⁹⁶² Currently, Costa Rica is participating in several ILO-IPEC projects funded by USDOL, including a project to collect child labor statistics and a project to combat child labor in the coffee sector (in Turrialba and Guanacaste).⁹⁶³ With other donor funding, in July 2002, the Government of Costa Rica and ILO-IPEC began preliminary activities with the participation of stakeholders to map and define the worst forms of child labor, in preparation for a Time-Bound Program.⁹⁶⁴ Also, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.⁹⁶⁵ In collaboration with ILO-IPEC, the labor union Central del Movimiento de Trabajadores Costarricenses (CMTIC) is supporting a pre-school center for the children of street vendors in San Jose.⁹⁶⁶ Costa Rica is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.⁹⁶⁷

In 1996, the Government of Costa Rica established the National Directive Committee for the Progressive Eradication of Child Labor and the Protection of Adolescent Workers in Costa Rica.⁹⁶⁸ The Committee developed a national plan to eliminate child labor and fostered a number of institutions that address child labor, including the Executive Secretariat for the Eradication of Child Labor, the Office of Eradication of Child Labor and Protection of Adolescent Laborers, and the

⁹⁶² Costa Rica signed an MOU with ILO-IPEC in 1996. The ILO-IPEC Regional Office is located in San José, Costa Rica. See ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 23, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁹⁶³ ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in Costa Rica*, COS/99/05/050, Geneva, 1999. See also ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor (SIMPOC): Central America*, project document, CAM/9905/050, 1999.

⁹⁶⁴ ILO-IPEC, *Actividades Preparatorias para la Eliminación de las Peores Formas de Trabajo Infantil en Costa Rica*, Informe, August 2002.

⁹⁶⁵ ILO official, electronic communication to USDOL official, September 16, 2002.

⁹⁶⁶ ILO official, electronic communication to USDOL official, September 10, 2002.

⁹⁶⁷ Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, this project will target 150 girls in Limon, Costa Rica for direct services, such as education, social services, and health care. See 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.

⁹⁶⁸ The National Directive Committee for the Progressive Eradication of Child Labor and the Protection of Adolescent Workers in Costa Rica, formed in 1996, was formerly known as the National Directive Committee Against Child Labor from 1990-1996. See U.S. Embassy- San José, *unclassified telegram no. 1586*, June 2000. See also U.S. Embassy- San José, *unclassified telegram no. 0515*, February 1998.

National Commission Against the Commercial Exploitation of Minors and Adolescents.⁹⁶⁹ The commercial sexual exploitation of children is recognized as a problem in Costa Rica and it is on the political and public agenda through discussion in presidential discourse, political debates, newspaper reports, editorials, studies, and fora.⁹⁷⁰

In September 2000, the government established the “National Agenda for Children and Adolescents, 2000-2010,” in which it pledged to prevent and eliminate the worst forms of child labor and achieve 100 percent retention of children in basic education by the year 2010.⁹⁷¹ Since implementation of the agenda began, the government has created promotional materials on the problem of child labor; provided awareness training to over 1,450 government officials, college students, and private sector employees in the banana industry; and educated 4,000 youths on worker rights. All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.⁹⁷²

In the area of education, the government is promoting children’s access to primary school through on-going publicity campaigns sponsored by the Ministries of Labor and Public Education and has increased its education budget by 22 percent in the last five years in an effort to help more children complete secondary school.⁹⁷³ The government is also working with the World Bank on a USD 23 million project designed to improve basic education in grades one through nine, particularly in disadvantaged rural and marginal urban areas, through revised curriculum; production and distribution of textbooks; creation of teaching manuals and educational materials; teacher and school administrator training; and pilot computer use in classrooms.⁹⁷⁴ Costa Rica is also involved in an IDB program aimed at improving pre-school and lower-secondary education.⁹⁷⁵

⁹⁶⁹ U.S. Embassy- San José, *unclassified telegram no. 1586*. See also Government of Costa Rica, *Informe del Gobierno de Costa Rica Sobre Las Iniciativas y Políticas Dirigidas al Cumplimiento del Convenio 182 de la Organización Internacional del Trabajo Referente a la Eliminación Inmediata de las Peores Formas del Trabajo Infantil*, Embassy of Costa Rica, Washington, D.C., 2002.

⁹⁷⁰ ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 35.

⁹⁷¹ Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, U.S. Embassy, San José, September 2000, 11, 21.

⁹⁷² Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Embassy of Costa Rica, Washington, D.C., 2001.

⁹⁷³ U.S. Embassy- San José, *unclassified telegram no. 1586*.

⁹⁷⁴ The project is helping to revise the curriculum, produce and distribute textbooks, create teaching manuals and educational materials, deliver training for teachers and school administrators, and pilot computer use in classrooms. See World Bank, *Projects, Policies and Strategies: Basic Education Rehabilitation Project*, [online] December 2, 2002 [cited August 23, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P006938>. See also World Bank, *Countries: Costa Rica*, [online] [cited July 27, 2000]; available from <http://www.worldbank.org/html/extdr/offrep/lac/cr2.htm>.

⁹⁷⁵ Inter-American Development Bank, *Approved Projects - Education*, [online] November 8, 2002 [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 4.1 percent of children ages 10 to 14 years in Costa Rica were working.⁹⁷⁶ In rural areas, children work in agriculture and cattle-raising, primarily on family-owned farms. Costa Rican children traditionally help harvest coffee beans and sugarcane, although this work is increasingly done by Nicaraguan immigrants.⁹⁷⁷ Some children work as domestic servants, and others may be involved in construction, carpentry, furniture making, baking, sewing and the small-scale production of handicrafts. Children also bag groceries at supermarkets, sell goods on streets or highways, and watch over parked vehicles.⁹⁷⁸ The prostitution of children is a problem in Costa Rica,⁹⁷⁹ and is often associated with the country's sex tourism industry.⁹⁸⁰ Costa Rica is a transit and destination point for children trafficked for sexual exploitation purposes.⁹⁸¹ Most trafficking victims originate from Bulgaria, Colombia, the Dominican Republic, Nicaragua, Russia, Panama, and the Philippines; however, other trafficked persons have come from Africa and Asia.⁹⁸²

Education is compulsory and free for six years at the primary level and three years at the secondary level.⁹⁸³ In 1998, the gross primary enrollment rate was 108.5 percent and the net primary enrollment rate was 93.1 percent.⁹⁸⁴ Primary school attendance rates are unavailable for Costa Rica. While enrollment rates indicate a level of commitment to education, they do not always

⁹⁷⁶ According to the ILO, 18,000 children ages 10 to 14 were working. ILO, *Yearbook of Labor Statistics 2001* (Geneva: 2001). See also World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁹⁷⁷ U.S. Embassy- San José, *unclassified telegram no. 0515*.

⁹⁷⁸ Ibid. See also National Institute of Children (PANI), *El Trabajo Infante Juvenil en Costa Rica y Su Relación Con La Educación: Analysis de los Resultados de la Encuesta de Hogares de Propositus Múltiples 1994 Sobre Actividades de los Menores de Edad*, San José, June 1995, 23-24. These sources are the most current because no survey has been carried out in the past 4-5 years.

⁹⁷⁹ According to the National Institute of Children (PANI), street children in San José, Limón and Puntarenas are at the greatest risk of entering prostitution. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Costa Rica*, Washington, D.C., March 4, 2002, 2733-35, Section 5 [cited July 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8329.htm>.

⁹⁸⁰ Maria Cecilia Claramunt, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, UNICEF, 1999, 29.

⁹⁸¹ U.S. Department of State, *Trafficking in Persons Report- 2002: Costa Rica*, Washington, D.C., June 5, 2002, 41 [cited December 26, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. See also U.S. Department of State, *Country Reports- 2001: Costa Rica*, 2735-38, Sections 6c and 6f.

⁹⁸² U.S. Department of State, *Trafficking in Persons Report: Costa Rica*, 41.

⁹⁸³ A tradition of free schooling dates back to 1869. See Infocostarica staff, *Education in Costa Rica*, infoCOSTA RICA.com, [online] August 13, 2002 [cited August 23, 2002]; available from <http://www.infocostarica.com/education/education.html>. See also U.S. Department of State, *Country Reports- 2001: Costa Rica*, 2733-35, Section 5.

⁹⁸⁴ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

reflect children's participation in school.⁹⁸⁵ The proportion of drop-outs is higher in rural areas (16 percent) than in urban areas (7.5 percent).⁹⁸⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁹⁸⁷ The Children and Adolescents' Code prohibits minors under the age of 18 from working in mines, bars and other businesses that sell alcohol, in unsafe and unhealthy places, in activities where they are responsible for their own safety and the safety of other minors, and where there they are required to work with dangerous equipment, contaminated substances or excessive noise.⁹⁸⁸ Under the Children and Adolescent's Code, children are also not allowed to work at night or more than 6 hours a day or 36 hours a week.⁹⁸⁹ The Constitution provides working women and children with special protection.⁹⁹⁰

The Children's Bill of Rights states that all children and adolescents have the right to protection from all forms of exploitation, including prostitution and pornography.⁹⁹¹ The Penal Code provides a prison sentence of between 4 and 10 years if the victim of prostitution is under the age of 18.⁹⁹² The Penal Code also prohibits the entry or exit/departure of women and minors in and out of the country for prostitution, which carries a 5 to 10 year prison sentence, if convicted.⁹⁹³

The Ministry of Labor and Social Security is responsible for detecting and investigating labor violations, while the National Board for Children and the judiciary branch are responsible for addressing cases of child sexual exploitation.⁹⁹⁴ The Ministry of Labor houses the Office of

⁹⁸⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁹⁸⁶ Raquel Gólcher Beirute, "UNICEF Señala Debilidades en Lucha Contra Deserción: Niños Esperan Mejor Educación," *La Nación Digital* (San José), September 20, 2000; available from http://www.nacion.com/ln_ee/2000/septiembre/20/pais8html. See also Rodolfo Pisoni, *Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica*, PANI, April 1999, 59.

⁹⁸⁷ In 1998, Costa Rica passed the Children and Adolescence Code, which amended Articles 88 and 89 of the Labor Code to increase the minimum age for work to 15. See Jamie Daremblum, Ambassador, Embassy of Costa Rica, letter to USDOL official, October 23, 2001. See also Government of Costa Rica, *Código de la Niñez y la Adolescencia*, 1997, Article 78. See also Government of Costa Rica, *Código de Trabajo*.

⁹⁸⁸ *Código de Trabajo*, Article 94. See also Daremblum, letter, October 23, 2001.

⁹⁸⁹ *Código de la Niñez y la Adolescencia*, 1997, Article 95.

⁹⁹⁰ *Constitución Política de la República de Costa Rica*, 1949, Article 71 [cited August 23, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Costa/costa2.html>.

⁹⁹¹ U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000.

⁹⁹² This provision is found in Article 170 of the Penal Code. See *Ibid*.

⁹⁹³ This provision is found in Article 172 of the Penal Code. See Interpol, *Legislation of Interpol member states on sexual offences against children: Costa Rica*, [online] [cited August 23, 2002]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp>.

⁹⁹⁴ The Ministry of Labor carries out these responsibilities through its Bureau for the Attention and Elimination of Child Work and Protection of Adolescents, and through the Office of Labor Inspection. See Daremblum, letter, October 23, 2001, 3.

Eradication of Child Labor and Protection of Adolescent Laborers, which is responsible for coordinating all direct action programs, maintaining a database on all workers under the age of 18, coordinating the implementation of the National Plan and public policy, and training labor inspectors on child labor.⁹⁹⁵ Child labor investigations can be initiated after an inspection, or in response to complaints filed by government or NGO representatives, or members of civil society, including children and adolescents who are subject to exploitation.⁹⁹⁶ Due to limited resources, child labor regulations are not always enforced outside the formal economy.⁹⁹⁷ The government effectively enforces its law against forced labor⁹⁹⁸ and has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.⁹⁹⁹

The Government of Costa Rica ratified ILO Convention 138 on June 11, 1976, and ILO Convention 182 on September 10, 2001.¹⁰⁰⁰

⁹⁹⁵ Esmirna Sánchez Vargas, “Costa Rica: retos y avances en la erradicación del trabajo infantil, Oficina de Atención y Erradicación del Trabajo Infantil y Protección del Trabajador Adolescente,” *Encuentros 4 Aportes* (April 2002), [cited May 6, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/numero4/paraeldialogotres.html>.

⁹⁹⁶ Daremblum, letter, October 23, 2001.

⁹⁹⁷ U.S. Department of State, *Country Reports- 2001: Costa Rica*, 2735-38, Section 6d.

⁹⁹⁸ Ibid.

⁹⁹⁹ U.S. Embassy- San José, *unclassified telegram no. 2082*, August 2001. See also Casa Alianza, *Police Raid Reveals More Child Prostitution in Costa Rica*, [online] March 17, 2000 [cited August 9, 2001]; available from <http://www.casa-alianza.org/EN/Imn/docs/20000317.00389.htm>.

¹⁰⁰⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Côte d'Ivoire

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

Côte d'Ivoire is an associated country of ILO-IPEC.¹⁰⁰¹ Côte d'Ivoire is one of nine countries participating in the USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.¹⁰⁰² In January 2002, the Government of Côte d'Ivoire, in collaboration with Interpol, organized a meeting that was attended by officials from Benin, Burkina Faso, Gabon, Mali, Niger, and several UN agencies and NGOs, to discuss child trafficking in West and Central Africa. Issues that were covered included the implementation of a September 2000 agreement between Côte d'Ivoire and Mali to combat child trafficking, prevention of trafficking, and rehabilitation of victims.¹⁰⁰³ In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.¹⁰⁰⁴

In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Côte d'Ivoire. As part of this strategy, U.S. missions in the region will focus U.S. Government resources to support efforts by host governments to prosecute traffickers, protect and repatriate victims, and prevent new trafficking incidents. The strategy will be implemented through improved coordination among USG donors, greater coordination with international donors, engagement with and funding of regional and international organizations, and direct funding for host government or local NGOs.¹⁰⁰⁵

In July 2001, the National Committee for Combating Trafficking and Exploitation of Children was created in Côte d'Ivoire by presidential decree.¹⁰⁰⁶ In September 2000, Côte d'Ivoire and Mali

¹⁰⁰¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited October 2, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁰⁰² ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Country Annex IV: Côte d'Ivoire*, project document, RAF/01/P53/USA, Geneva, April 2001. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, April 2001.

¹⁰⁰³ S.E. M. Abou Drahamane Sangaré, *Déclaration par S.E. M. Abou Drahamane Sangaré, Ministre d'État, ministre des affaires étrangères, à la Session Extraordinaire de l'Assemblée Générale des Nations-Unies consacrée aux Enfants*, United Nations, [online] May 10, 2002 [cited August 29, 2002]; available from <http://www.un.org/ga/children/ivoryF.htm>. See also Integrated Regional Information Networks, "West Africa: Child Trafficking Conference Opens", IRINnews.org, [online], January 8, 2002 [cited September 4, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=18563>. See also UN Integrated Regional Information Networks, *Regional Efforts Against Child Trafficking*, allAfrica.com, [online] January 21, 2002 [cited November 2, 2002]; available from <http://allafrica.com/stories/200201210319.html>.

¹⁰⁰⁴ UN Integrated Regional Information Networks, *Regional Efforts Against Child Trafficking*.

¹⁰⁰⁵ The strategy is intended to encourage governments in the region to develop and implement laws that allow for the prosecution of traffickers. See U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 2002.

¹⁰⁰⁶ Ministry of Families, Women, and Children, *Combating Trafficking and Economic Exploitation of Children in Côte d'Ivoire*, Abidjan, July 2001, Section II.

signed a bilateral agreement to curb the trafficking of Malian children into Côte d'Ivoire.¹⁰⁰⁷ The Government of Côte d'Ivoire has held discussions with Burkina Faso and Togo to establish similar agreements.¹⁰⁰⁸ The government has also undertaken several educational and training programs to discourage domestic trafficking¹⁰⁰⁹ and is now utilizing the police along the country's borders to stop international trafficking.¹⁰¹⁰

The Government of Côte d'Ivoire has stated its support for efforts to combat the exploitation of children in the country's cocoa sector. In a joint statement issued in November 2001, the government, along with industry and NGOs, committed to undertake collaborative efforts to eliminate the worst forms of child labor in the cocoa industry, and agreed to establish a joint foundation to oversee these efforts.¹⁰¹¹ A program funded by USDOL and the Cocoa Global Issues Group seeks to withdraw children from hazardous work in this sector, provide income generation and economic alternatives, and promote education.¹⁰¹² In addition, the USAID-supported Sustainable Tree Crops Program is incorporating child labor elements into its program and is coordinating with the USDOL-funded ILO-IPEC program to address child labor in the cocoa sector.¹⁰¹³ In July 2002, the International Institute of Tropical Agriculture (IITA) and national research collaborators completed a study of child labor in the cocoa industry in Cameroon, Côte d'Ivoire, Ghana, and Nigeria.¹⁰¹⁴ A national survey of child labor in Côte d'Ivoire is currently in the preparation stages with technical assistance from ILO-IPEC's SIMPOC.¹⁰¹⁵

¹⁰⁰⁷ Ibid. See also U.S. Embassy- Abidjan, *unclassified telegram no. 2176*, June 2001.

¹⁰⁰⁸ U.S. Embassy- Abidjan, *unclassified telegram no. 2176*.

¹⁰⁰⁹ Ibid.

¹⁰¹⁰ Ministry of Families, Women, and Children, *Combating Trafficking and Economic Exploitation of Children*.

¹⁰¹¹ Signatories include the Association of the Chocolate, Biscuit and Confectionary Industries of the EU, the Chocolate Manufacturers Association of the USA, the World Cocoa Foundation, the Child Labor Coalition, Free the Slaves, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations, the National Consumers League and the Government of Côte d'Ivoire. See Government of Côte d'Ivoire, World Cocoa Foundation, and Child Labor Coalition, Joint Statement, November 30, 2001.

¹⁰¹² 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.

¹⁰¹³ Ibid., 8, 12. See also USAID, *Trafficking in Persons: USAID's Response*, September 2001, 4.

¹⁰¹⁴ The study was conducted with support from USAID, USDOL, World Cocoa Foundation, the ILO, and the participating West African governments, and was carried out under the framework of the Sustainable Tree Crops Program. Both quantitative and qualitative approaches using three different types of inter-related surveys were designed to collect data on child labor practices in the cocoa sector of West Africa. The surveys employed in the study were the Baseline Producer Survey, the Producer-Worker Survey, and the Community Survey. Producer-Worker Surveys and Community Surveys were conducted in Côte d'Ivoire. See International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa: Cameroon, Côte d'Ivoire, Ghana, and Nigeria*, IITA, July 2002.

¹⁰¹⁵ ILO official, electronic correspondence to USDOL official, August 28, 2002. The ongoing conflict in the country will likely slow progress on the project.

The Government of Côte d'Ivoire allocates more than 40 percent of its budget to education,¹⁰¹⁶ and in 1998, 59.5 percent of total public expenditure on education was devoted to primary education.¹⁰¹⁷ The government also has implemented a National Development Plan for Education, which calls for universal primary school education by 2010.¹⁰¹⁸

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 40.3 percent of children ages 5 to 14 years in Côte d'Ivoire were working.¹⁰¹⁹ The disparity between rural and urban areas is significant: 56.8 percent of rural children ages 5 to 14 were working, compared to only 22.5 percent of urban children in this age group.¹⁰²⁰ The majority of working children are found in the informal sector,¹⁰²¹ including on family farms and enterprises or working as vendors, carpenters, and automobile mechanics.¹⁰²² They also work in restaurants and cafes, shine shoes, run errands, watch cars, and wash car windows.¹⁰²³

Children have been trafficked within Côte d'Ivoire and into the country from Benin, Burkina Faso, Ghana, Guinea, Mali, Mauritania, Nigeria, and Togo to work as domestic servants, farm laborers, and indentured servants.¹⁰²⁴ There have been reports that children have been engaged in forced labor on commercial farms harvesting cocoa,¹⁰²⁵ cotton, corn, rice, and pineapples.¹⁰²⁶ Other children have been engaged in forced labor in the country's gold and diamond mines, and some

¹⁰¹⁶ 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. 168.

¹⁰¹⁷ UNESCO, *Education for All 2000 Assessment: Côte d'Ivoire* [CD-ROM], Paris, 2000.

¹⁰¹⁸ Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, UNICEF Statistics, Abidjan, December 2000, 24.

¹⁰¹⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Government of Côte d'Ivoire, *Multiple Indicator Cluster Survey 2*, Abidjan, 2000, [cited December 10, 2002]; available from <http://www.ucw-project.org/resources/>.

¹⁰²⁰ Ibid.

¹⁰²¹ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*, October 2001.

¹⁰²² Ibid. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Côte d'Ivoire*, Washington, D.C., March 4, 2002, 207-11, Section 6d [cited August 29, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8355.htm>.

¹⁰²³ U.S. Department of State, *Country Reports- 2001: Côte d'Ivoire*, 207-11, Section 6d. See also U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

¹⁰²⁴ U.S. Embassy- Abidjan, *unclassified telegram no. 2176*. See also U.S. Department of State, *Country Reports- 2001: Côte d'Ivoire*, 207-11, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Côte d'Ivoire*, Washington, D.C., June 5, 2002, 42 [cited August 29, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

¹⁰²⁵ U.S. Department of State, *Country Reports- 2001: Côte d'Ivoire*, Section 6f. See also ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme, program document*.

¹⁰²⁶ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

work in sweatshop conditions in small urban workshops.¹⁰²⁷ There have been reports of the trafficking of Nigerian girls into Côte d'Ivoire for the purpose of child prostitution.¹⁰²⁸

The recent IITA study on children working in the cocoa sector revealed that in Côte d'Ivoire most children work alongside their families.¹⁰²⁹ Approximately 200,000 children in Côte d'Ivoire are involved in hazardous tasks that include spraying pesticides without protection, using machetes to clear undergrowth and carrying heavy loads.¹⁰³⁰ Approximately one-third of children ages 6 to 17 years who live in cocoa producing households have never attended school.¹⁰³¹ Around 64 percent of the children are below the age of 14.¹⁰³² Although more than half of children working in cocoa farming are boys (59 percent),¹⁰³³ the school enrollment rate for girls in the survey areas is lower than that for boys.¹⁰³⁴ A minority of the children working in the cocoa sector in Côte d'Ivoire are engaged in full time work.¹⁰³⁵ Most of these children come from outside the country's cocoa zone, either from other regions of Côte d'Ivoire or from countries such as Burkina Faso.¹⁰³⁶

Primary education in Côte d'Ivoire is not compulsory.¹⁰³⁷ As of the 2001-2002 school year, tuition fees for primary school students are waived.¹⁰³⁸ However, parents must still pay an annual fee of 2,600 FCFA (USD 4.26) for each child's enrollment in public secondary schools and a monthly fee

¹⁰²⁷ Ibid.

¹⁰²⁸ U.S. Department of State, *unclassified telegram no. 177014*, October 2001.

¹⁰²⁹ The Producer-Worker Survey revealed that 604,500 (96.7 percent) of the 625,100 working children in Côte 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, Côte d'Ivoire, Ghana, and Nigeria*, August 2002, 15.

¹⁰³⁰ 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, [cited August 29, 2002]; available from http://www.usaid.gov/press/releases/2002/pr020726_2.html.

¹⁰³¹ International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa*.

¹⁰³² Ibid.

¹⁰³³ Ibid.

¹⁰³⁴ Ibid.

¹⁰³⁵ The Producer-Worker survey found that 5,120 children were employed as full-time workers in cocoa in Côte d'Ivoire versus 61,600 adults. See International Institute of Tropical Agriculture, *Child Labor in the Cocoa Sector of West Africa: A synthesis of findings*, 12.

¹⁰³⁶ The Community survey found that these children originated entirely from outside the Ivoirian cocoa zone: 59 percent were from Burkina Faso, while most of the remainder (24 percent of the total) were Baoule children originally from eastern Côte d'Ivoire. An intermediary was involved in the recruitment process for an estimated 41 percent of the full-time child workers. Of the children employed as full-time workers, 29 percent reported that they were not free to leave their place of employment should they wish to. See Ibid., 12-13.

¹⁰³⁷ U.S. Department of State, *Country Reports- 2001: Côte d'Ivoire*, Section 5.

¹⁰³⁸ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

of 3,000 FCFA (USD 4.92) for transporting their secondary school children.¹⁰³⁹ Parents also are responsible for buying books and school supplies.¹⁰⁴⁰ However, in September 2002, the government undertook the responsibility of distributing free schoolbooks to 1.2 million students attending 4,500 primary schools in 94 sub-prefects.¹⁰⁴¹ In 1998, the gross primary enrollment rate was 77.9 percent, and the net primary enrollment rate was 59.2 percent.¹⁰⁴² A UNICEF study in 2000 indicated that 56.9 percent of Ivorian children ages 6 to 11 attend school and that 69.3 percent of children who enter Grade 1 actually reach Grade 5.¹⁰⁴³ There is a disparity in primary school attendance between children in urban areas (66.5 percent) and rural areas (48.5 percent), as well as between boys (61.4 percent) and girls (51.8 percent).¹⁰⁴⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, even for apprenticeships, and prohibits children under 18 years from working more than 12 consecutive hours or at night.¹⁰⁴⁵ Decree No. 96-204 also prohibits night work by children between 14 and 18 years, unless granted an exception by the Labor Inspectorate,¹⁰⁴⁶ and Decree No. 67-265 sets the minimum age for hazardous work at 18 years.¹⁰⁴⁷ 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 18.¹⁰⁴⁸ The Labor Inspectorate can require children to take a medical exam to ensure that they can undertake the work for which they are hired. If the child cannot perform the required tasks, the employer must move him/her to a suitable job, and if that is not possible, the contract must be cancelled.¹⁰⁴⁹ Decree No. 96-193 restricts children from working in bars, hotels, pawnshops, and second-hand clothing stores.¹⁰⁵⁰

¹⁰³⁹ Ibid. Currency conversion as of February 28, 2003.

¹⁰⁴⁰ Ibid.

¹⁰⁴¹ These sub-prefectures represent approximately 50 percent of all sub-prefectures. See U.S. Department of State official, electronic communication to USDOL official, February 27, 2003.

¹⁰⁴² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁰⁴³ Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, 27-28. See also Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Principaux Résultats*, UNICEF, Abidjan, November 30, 2000, [cited December 10, 2002]; available from http://www.childinfo.org/MICS2/natlMICSrepz/Ivory_Coast/Principaux_resultats.pdf.

¹⁰⁴⁴ Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, 27.

¹⁰⁴⁵ *Code du travail*, 1995, no. 95/15, Titre II, Chapter 2, Articles 22.2, 22.3 and 23.8 [cited November 20, 2002]; available from <http://natlex.ilo.org/txt/F95CIV01.htm>.

¹⁰⁴⁶ Decree No. 96-204, as cited in U.S. Embassy- Abidjan, *unclassified telegram no. 3470*. Employers found in violation of the night work prohibition are punishable with imprisonment from 10 days to two months and/or a fine ranging from 2,000 to 72,000 FCFA (USD 3 to 108). For currency conversion see FX Converter, [online] [cited October 2, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

¹⁰⁴⁷ ILO, *The effective abolition of child labour*, 2001, 261.

¹⁰⁴⁸ UN Committee on the Rights of the Child, *Initial Report of States Parties, Addendum: Côte d'Ivoire*, para. 185.

¹⁰⁴⁹ *Code du travail*, 1995, Titre II, Chapter 3, Article 23.9.

¹⁰⁵⁰ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

Forced or compulsory labor is prohibited,¹⁰⁵¹ as is having sexual relations with a minor 15 years or younger.¹⁰⁵² In 1998, the government instituted measures against the statutory rape of students by teachers in order to combat low enrollment rates among girls.¹⁰⁵³ The child labor laws in Côte d'Ivoire apply to all sectors and industries in the country, although the lack of government resources makes them difficult to enforce in the informal sector and in the rural areas where most children work.¹⁰⁵⁴

There is no law specifically prohibiting trafficking in persons, but the government prosecutes trafficking under child kidnapping laws.¹⁰⁵⁵ In 2001, the Government of Côte d'Ivoire arrested traffickers and repatriated children on several occasions. According to UNICEF, a total of 20 traffickers were arrested and detained during 2001.¹⁰⁵⁶ UNICEF reported no total for the number of children repatriated in 2002, but the government and UNICEF repatriated at least 90 children during the year.¹⁰⁵⁷

The Government of Côte d'Ivoire has not ratified ILO Convention 138 or ILO Convention 182.¹⁰⁵⁸

¹⁰⁵¹ *Code du travail, 1995*, "Dispositions Générales", Article 3.

¹⁰⁵² The penalty for statutory rape or the attempted rape of children age 15 or younger is imprisonment for one to three years and a fine of 100,000 to 1,000,000 FCFA (USD 140 to 1,400). See U.S. Department of State, *Country Reports-2001: Côte d'Ivoire*, 202-07, Section 5. Persons convicted of procuring a prostitute under age 21 may be imprisoned for 2 to 10 years. See also UN Committee on the Rights of the Child, *Initial Report of States Parties, Addendum: Côte d'Ivoire*, para. 187.

¹⁰⁵³ U.S. Department of State, *Country Reports- 2001: Côte d'Ivoire*, 202-07, Section 5.

¹⁰⁵⁴ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

¹⁰⁵⁵ U.S. Department of State, *Trafficking in Persons Report: Côte d'Ivoire*, 42.

¹⁰⁵⁶ U.S. Department of State, *Country Reports- 2001: Côte d'Ivoire*, 207-11, Section 6f.

¹⁰⁵⁷ U.S. Department of State official, electronic communication, February 27, 2003.

¹⁰⁵⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 10, 2002 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>. The Parliament of Côte d'Ivoire passed ILO Convention 138 and ILO Convention 182 on January 3, 2002. See also Youssoufou Bamba, Ambassador of Côte d'Ivoire, letter to Cadbury International Limited official, January 22, 2002.

Croatia

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

In October 1998, the Government of Croatia established the Council for Children as the national coordinating body of the National Programme of Action for Children.¹⁰⁵⁹ In May 2002, the National Commission on Trafficking in Persons met for the first time,¹⁰⁶⁰ and the government approved a National Strategy to Combat Trafficking on November 14, 2002.¹⁰⁶¹

Several NGOs are actively assisting children and ethnic minorities who were displaced or otherwise affected by the regional armed conflict in the early 1990s. UNICEF has education programs to improve curricula, train teachers, and address ethnic intolerance, in order to positively affect children's school attendance, particularly in areas where Bosnian or Serbian refugees are returning home.¹⁰⁶² The Government of Croatia signed the Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Southeast European Cooperative Initiative. In addition, IOM maintains an office in Zagreb and has received funding to conduct regional anti-trafficking programs. The specific goals of the IOM program are to conduct research into the problem of trafficking, raise public awareness of the issue, and hold capacity-building programs for police and potential law enforcers.¹⁰⁶³

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Croatia are unavailable. According to government officials, only a small number of children ages 15 to 18 years are employed, mainly in the textile and maritime industries.¹⁰⁶⁴ Reports indicate that Croatia is primarily a transit country but also a destination country for trafficking of children for prostitution.¹⁰⁶⁵ There were 19

¹⁰⁵⁹ Council members include representatives of the ministries and state administration organizations charged with child welfare, parliamentarians, prominent experts for children's rights and child welfare, and media personnel. The Council ensures monitoring and coordination of government efforts in implementing the Programme and application of the Convention of the Rights of the Child through the year 2005. Government of Croatia, *National Report on Follow-up to the World Summit for Children, 2000*, UNICEF, 2000, [cited August 30, 2002]; available from http://www.unicef.org.specialsession/how_country/index.html.

¹⁰⁶⁰ U.S. Embassy- Zagreb, *unclassified telegram no. 1468*, June 2002.

¹⁰⁶¹ U.S. Department of State official, electronic communication to USDOL official, January 2003.

¹⁰⁶² UNICEF is also working to improve the national capacity to monitor children's rights and to increase government allocations for child social services and child protection. See UNICEF, *Consolidated Donor Report for Southeastern Europe*, January - December 2000, 73, 74 [cited September 6, 2002]; available from <http://www.unicef.org/balkans/donrep-seeur-2000.pdf>.

¹⁰⁶³ UNICEF, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 119, 21, 23 [cited September 6, 2002]; available from <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf>. See also IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighbouring Countries*, January 2001, 2, 3.

¹⁰⁶⁴ USDOL, *Regulation of Child Labor in the Republic of Croatia*, 1998.

¹⁰⁶⁵ UNICEF, *Trafficking in Human Beings in Southeastern Europe*, 117.

criminal offenses associated with commercial sexual exploitation of children in 1999.¹⁰⁶⁶ According to research conducted by IOM between March and September 2001, 8 percent of the Croatian population surveyed responded that there was a case of prostitution of a foreign minor in their community; the largest percent who had heard about child prostitution in their community was in Slavonia, which borders Hungary, Former Republic of Yugoslavia, and Bosnia and Herzegovina.¹⁰⁶⁷

Education is free and compulsory in Croatia.¹⁰⁶⁸ The Law of Primary Education (1990) requires eight years mandatory education for children to begin at 6 years of age.¹⁰⁶⁹ Children generally finish compulsory education at age 14, but the minimum age for employment is 15.¹⁰⁷⁰ In 1997, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 84.1 percent.¹⁰⁷¹ Primary school attendance rates are unavailable for Croatia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁰⁷² In general, primary school attendance is reported to be lower among ethnic Roma, many of whom do not go to school at all, or drop out around the second or third grade.¹⁰⁷³ The Office for National Minorities has launched a special program for the inclusion of Roma children in the education system in Croatia.¹⁰⁷⁴

¹⁰⁶⁶ Information about the origin of the victims is not specified. Davor Stier, Embassy of the Republic of Croatia, letter to USDOL official, October 10, 2000.

¹⁰⁶⁷ From 1996-1998, Slavonia also had the largest number of international peacekeepers. UNICEF, *Trafficking in Human Beings in Southeastern Europe*, 118.

¹⁰⁶⁸ *Constitution of the Republic of Croatia*, Article 65, [cited September 6, 2002]; available from <http://www.vlada.hr/english/docs-constitution.html>.

¹⁰⁶⁹ Steven Pavlovic, U.S. Embassy- Zagreb, electronic communication to USDOL official, July 17, 2002. 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, [cited August 26, 2002]; available from <http://www2.unesco.org/wef/countryreports/croatia/contents.html>.

¹⁰⁷⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Croatia*, Washington, D.C., March 4, 2002, 1387-93, Sections 5 and 6d [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8240.htm>.

¹⁰⁷¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁰⁷² For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁰⁷³ While the 1991 Government Census counted 6,700 ethnic Roma in Croatia, government and NGO officials agree that the true number of Roma may be 30,000 to 40,000. Ethnic Roma face discrimination, particularly in the labor market and in schools. See Ruman Russinov and Savelina Danova, *Field Report: The ERRC in Croatia*, European Roma Rights Center, Summer 1998, [cited September 6, 2002]; available from http://www.errc.org/rr_sum1998/field_report.shtml. See also U.S. Department of State, *Country Reports- 2001: Croatia*, 1387-90, Section 5.

¹⁰⁷⁴ Government of Croatia, *National Report- 2000: Croatia*.

Child Labor Laws and Enforcement

The Labor Law (No. 758/1995) sets the minimum age for employment at 15 years, and children between ages 15 and 18 may only work with written permission from a legal guardian.¹⁰⁷⁵ The minimum work age is enforced by the Ministry of Labor and Social Welfare.¹⁰⁷⁶ 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.¹⁰⁷⁷

The Constitution prohibits forced or bonded labor.¹⁰⁷⁸ There is no law specifically prohibiting trafficking of persons; however, trafficking can be prosecuted under existing laws on the Establishment of Slavery and Transportation of Slaves, the Illegal Transfer of Persons Across State Borders, and International Prostitution.¹⁰⁷⁹ The Criminal Code outlaws international prostitution, including solicitation of a minor, and prohibits procurement of minors for sexual purposes.¹⁰⁸⁰ The law also outlaws using children to make pornography.¹⁰⁸¹ According to the Ministry of the Interior, from 1998 to 2000, the government prosecuted five persons under Article 175 and 21 persons under Article 178.¹⁰⁸²

The Government of Croatia ratified ILO Convention 138 on October 8, 1991, and ILO Convention 182 on July 17, 2001.¹⁰⁸³

¹⁰⁷⁵ 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. *Croatia Labor Law (No. 758/95)*, Articles 14 (1) (2) and 15, [cited October 9, 2002]; available from <http://natlex.ilo.org/txt/E95HRV01.htm>.

¹⁰⁷⁶ U.S. Department of State, *Country Reports- 2001: Croatia*, 1390-93, Section 6d.

¹⁰⁷⁷ *Croatia Labor Law (No. 758/95)*, Articles 16 and 33 (4). See also Government of Croatia, *Safety and Health Protection at the Workplace Act*, Article 40, Article 40, [cited October 9, 2002]; available from <http://natlex.ilo.org/txt/E96HRV01.htm>. The list of "harmful activities" is determined by the Ministry of Labor and Social Welfare with the Ministry of Health. See Stier, letter, October 10, 2000.

¹⁰⁷⁸ *Constitution of the Republic of Croatia*, Article 23. The penalty is imprisonment for six months to five years. See also Government of Croatia, *Criminal Code*, Article 175, (January 1, 1998), [cited December 26, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/CROATIA.pdf>.

¹⁰⁷⁹ U.S. Department of State official, electronic communication, January 2003.

¹⁰⁸⁰ The penalty for international prostitution involving a child or minor is imprisonment for one to ten years. The penalty for procuring a child is imprisonment for one to eight years. See *Criminal Code*, 1998, Articles 178 and 95.

¹⁰⁸¹ The penalty for exploiting children or minors for pornographic purpose is imprisonment from one to five years. The penalty for exposing a child to pornography will be a fine or imprisonment for up to one year. *Ibid.*, Articles 196 and 97 as cited in Interpol, *Legislation of Interpol member states on sexual offenses against children*, [online] [cited August 19, 2002]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaCroatia.asp>.

¹⁰⁸² The IOM reports that these cases involved 24 female victims of trafficking, two of whom were minors from Romania. Unofficial police estimates suggest the number of victims of trafficking could be 10-times higher than those officially recorded. See IOM Press Briefing Notes, electronic communication to USDOL official, June 14, 2002.

¹⁰⁸³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Czech Republic

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

The Government of the Czech Republic adopted a National Plan Combating Commercial Sexual Abuse in July 2000.¹⁰⁸⁴ The plan addresses instances of sexual exploitation of children and features rehabilitation of victims of sexual crimes.¹⁰⁸⁵ In 1998, the Government Council for Human Rights was established as the consulting and coordinating body of the government for human rights protection, including protection of the rights of the child.¹⁰⁸⁶

In 2001, the United Nations Office on Drugs and Crime funded a government project on trafficking in persons that aims to strengthen the government's criminal justice response as well as protection and support to victims of trafficking.¹⁰⁸⁷ In cooperation with the government, the IOM brings together officials from several countries to share methods to combat trafficking.¹⁰⁸⁸ In 2001, the IOM cooperated with the government to introduce an informational program into secondary schools curriculum, where teachers discuss trafficking issues with students in order to raise awareness about potential vulnerability to the crime.¹⁰⁸⁹

¹⁰⁸⁴ U.S. Embassy- Prague, *unclassified telegram no. 2689*, October 2002.

¹⁰⁸⁵ The plan addresses child sexual abuse, trafficking in children and dissemination of child pornography. The Interior Ministry is assigned the lead role of coordination of efforts. See Ibid. Czech officials cooperate extensively with other Central and Eastern European Countries, European Union member and the United States to investigate and prosecute trafficking cases. In 1995, a Unit on Trafficking was established in the Czech Police Organized Crime Division that works with other countries to enforce laws. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Czech Republic*, Washington, D.C., March 4, 2002, 1420-22, Section 6f [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8243.htm>.

¹⁰⁸⁶ Government of the Czech Republic, *Review Report on Follow-up to the World Summit for Children, 2000*, UNICEF, 4-5 [cited August 30, 2002]; available from http://www.unicef.org/specialsession/how_country/index.html. The composition of the Council includes deputy ministers of ministries with influence on the respect of human rights, and representatives of NGOs and members of the public who are active in the human rights field. See ILO, *e.quality@work: An Information Base on Equal Employment Opportunities for Women and Men: Summary Sheet*, [online] [cited October 8, 2002]; available from http://www.ilo.org/public/english/employment/gems/eeo/law/czech/i_gc.htm.

¹⁰⁸⁷ The UNODC's International Center for Crime Prevention is overseeing the project. See United Nations Information Service, *Press Briefing on UN Vienna Offices' Contribution to General Assembly Special Session on Children*, [online] May 8, 2002 [cited September 4, 2002]; available from <http://www.unis.unvienna.org/en/events/2002/summary08may02.htm>.

¹⁰⁸⁸ U.S. Department of State, *Country Reports- 2001: Czech Republic*, 1420-22, Section 6f.

¹⁰⁸⁹ As part of the anti-trafficking program, an educational video was co-produced by IOM and Czech Television, in cooperation with the Ministry of Education, Youth and Sport and the Ministry of the Interior. NEWW/WEW Information Campaign/ Czech Republic — IOM info campaign, [list serve online] March 8, 2001 [cited November 14, 2002]; available from <http://lists.partners-intl.net/pipermail/women-east-west/2001-March/000819.html>.

Incidence and Nature of Child Labor

Statistics on the number of working children below the age of 15 years in the Czech Republic are unavailable. The popular press has cited incidents of child sexual exploitation in recent years, and government reports indicate that child prostitution is a present and growing problem.¹⁰⁹⁰ Czech girls were trafficked for the purpose of prostitution to Germany and other European countries, and girls from the former Soviet Union, Africa, Asia, and the Middle East are trafficked to the Czech Republic for sexual exploitation. Trafficking of Czech girls also occurs internally.¹⁰⁹¹

Education is compulsory and free for citizens.¹⁰⁹² Compulsory school attendance lasts nine years in accordance with an amendment of the Education Act No. 138/1995.¹⁰⁹³ In 1998, the gross primary enrollment rate was 103.5 percent, and the net primary enrollment rate was 89.8 percent.¹⁰⁹⁴ Ethnic Roma children attend school less regularly, and disproportionately attend “special schools” for mentally disabled or socially maladjusted individuals.¹⁰⁹⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years and requires that youth between the ages of 15 and 18 years receive special care and protection.¹⁰⁹⁶ Overtime and night work is prohibited for minors, except for children over 16 years of age, who may work for one hour past the normal daytime hours.¹⁰⁹⁷ Forced labor or service is prohibited in the Charter of Fundamental

¹⁰⁹⁰ European Parliament, *Trafficking in Women*, working paper, Brussels, March 2000, 65, 66. See also Ray Furlong, “Czech Challenge to Child Prostitution,” *BBC News* (July 22, 2000), [cited November 14, 2002]; available from http://news.bbc.co.uk/1/hi/english/world/europe/newsid_846000/846226.stm. See also U.S. Department of State, *Country Reports- 2001: Czech Republic*, 1414-22, Sections 5 and 6f.

¹⁰⁹¹ U.S. Department of State, *Country Reports- 2001: Czech Republic*, 1420-22, Section 6f.

¹⁰⁹² *Charter of Fundamental Rights and Freedoms*, Article 33, [cited October 8, 2002]; available from <http://www.psp.cz/cgi-bin/eng/docs/laws/listina.html>.

¹⁰⁹³ Government of the Czech Republic, *Review Report on Follow-up to the World Summit*, 4, 5. See also UNESCO, *World Data on Education- 2001: Czech Republic Country Report*, International Bureau of Education, [online] April 2000 [cited August 26, 2002]; available from http://nt5.scbbbs.com/cgi-bin/om_isapi.dll?clientID=400834&infobase=iwde.nfo&softpage=PL_frame.

¹⁰⁹⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In the 2000-01 school year, 1,056,860 children attended elementary school. See U.S. Embassy- Prague, *unclassified telegram no. 2689*.

¹⁰⁹⁵ According to unofficial government estimates, 60 percent or more of pupils placed in special schools are Roma, although Roma constitute less than 3 percent of the population. Language and cultural barrier frequently impede the integration of Roma children into the education system; less than 20 percent of the Roma population complete ninth grade. See U.S. Department of State, *Country Reports- 2001: Czech Republic*, 1414-20, Section 5.

¹⁰⁹⁶ The minimum age is established in Section 11 of the 1965 Labor Code. The exception to the minimum age law applies to special schools for children with disabilities, whose graduates may be employed at age 14. Additional protections for children are established under Sections 165, 166, and 167 of the Labor Code. See the *Labour Code No. 65/1965*, [cited September 6, 2002]; available from <http://www.czech.cz/index.php?section=6&menu=4>. Supplementary Decree no. 261/1997 lists workplaces in which minors must not work and conditions that must be met when exceptions are permitted because such work is necessary for a minor’s apprenticeship and job training. See U.S. Embassy- Prague, *unclassified telegram no. 2689*.

¹⁰⁹⁷ *Labour Code No. 65/1965*, Section 166.

Rights and Freedoms.¹⁰⁹⁸ In 2000, legislation was enacted that excluded minors from military services.¹⁰⁹⁹ In that same year, a Law on Social Protection of Children came into force that enhances protection of children in accordance with the Convention on the Rights of the Child.¹¹⁰⁰

The Criminal Code makes the trafficking of women and children for sexual purposes a criminal offense and prison sentences for trafficking a minor range from three to eight years.¹¹⁰¹ The Criminal Code also prohibits procurement of a child under age 18 years for sexual relations; the imprisonment term for violators is 5 to 12 years for offenses against children under age 15.¹¹⁰² In July 2002 amendments to the Criminal Code and the Criminal Procedure Act came into force that harmonize Czech law with that of the European Union and incorporate the Optional Protocol to the Convention on the Rights of the Child addressing trafficking in children, child prostitution and child pornography into Czech law.¹¹⁰³

Enforcement of child labor laws is carried out through workplace inspections and monitored jointly by the Ministry of Health and the Ministry of Labor and Social Affairs. The law requires labor offices throughout the country to carry out thousands of inspections and investigations a year. In 2002, an official with the Ministry of Labor and Social Affairs reported that there have been no registered violations of child labor laws or working conditions of minors in the last 12 years.¹¹⁰⁴ The government is making an effort to increase enforcement of legislation regarding child sexual exploitation. In June 2002, Czech police conducted a raid on the Krasna Lipa brothel in northern Bohemia; of 12 women found, two were 17 years old. Five men were arrested and face up to eight years on charges of procuring and trafficking of women.¹¹⁰⁵

The Government of the Czech Republic has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 19, 2001.¹¹⁰⁶

¹⁰⁹⁸ *Charter of Fundamental Rights and Freedoms*, Article 9.

¹⁰⁹⁹ U.S. Embassy- Prague, *unclassified telegram no. 2689*.

¹¹⁰⁰ The law also strengthens protection for children against pornography, violence, gambling, and sexual abuse. See *Ibid.*

¹¹⁰¹ *Criminal Code*, Article 246, as cited by Interpol, "Legislation of Interpol member states on sexual offenses against children" [cited September 19, 2002]; available from <http://www.interpol.int/Publi/Children/SexualAbuse/NationalLaws/csaCzechRepublic.asp>.

¹¹⁰² If such an offense is committed against a person between the ages of 15 and 18, the penalty is two to eight years imprisonment. See *Ibid.*, Articles 204 and 05.

¹¹⁰³ U.S. Embassy- Prague, *unclassified telegram no. 2689*.

¹¹⁰⁴ *Ibid.*

¹¹⁰⁵ See U.S. Embassy- Prague, *unclassified telegram no. 2180*, August 2002.

¹¹⁰⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Djibouti

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

The Government of Djibouti supports several small programs to encourage children to attend school, including the Ministry of Labor's "War on Poverty."¹¹⁰⁷ The government has translated the Convention on the Rights of the Child, which includes provisions on child labor, into the national languages (Afar, Somali) and integrated elements of the Convention into the national school curriculum. Furthermore, the government has promoted the Convention by publishing a brochure for children in French.¹¹⁰⁸ With assistance from the National Education Centre for Research and Pedagogical Information and UNICEF, the government has produced a handbook on the provisions of the Convention on the Rights of the Child, including guidelines for how primary school teachers can integrate the articles of the Convention into their lessons. This collaboration has enabled the government to produce radio broadcasts in four languages on the advancement of girls.¹¹⁰⁹

The World Bank supports a Social Development and Public Works Project with the objective of enhancing living standards in Djibouti by construction/rehabilitation of social infrastructures such as stand pipes, health posts, and schools.¹¹¹⁰ On October 8, 2002, the Ministry of Justice, in collaboration with UNICEF, organized an awareness seminar on the rights of children.¹¹¹¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Djibouti are unavailable. Information on the incidence of children's work is limited, although reports indicate that child labor exists, primarily in informal economic activities.¹¹¹² In rural areas, children perform unpaid labor on family farms; in urban areas, children often work in small-scale family businesses, trade, catering or craft sectors, or as domestic servants.¹¹¹³ Children displaced from Ethiopia, Eritrea and Somalia seek work in the informal sector in Djibouti's cities as shoe polishers, street peddlers,

¹¹⁰⁷ U.S. Embassy- Djibouti, *unclassified telegram no. 1503*, August 2000.

¹¹⁰⁸ ECPAT International, *Djibouti*, in ECPAT International, [database online] [cited August 9, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/.

¹¹⁰⁹ Ibid.

¹¹¹⁰ World Bank, *Social Development and Public Works Project*, [online] September 16, 2002 [cited September 18, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P044584>.

¹¹¹¹ U.S. Embassy- Djibouti, *unclassified telegram no. 1072*, October 2002.

¹¹¹² U.S. Embassy- Djibouti, *unclassified telegram no. 1503*. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1993*, CRC/C/8/Add.39, prepared by Government of Djibouti, pursuant to Article 44 of the Convention on the Rights of the Child, August 1998, para.144-45.

¹¹¹³ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, paras. 144-45.

money changers, or as beggars.¹¹¹⁴ Child prostitution reportedly is increasing, particularly among refugee street children in the capital city.¹¹¹⁵

Education is free and compulsory between the ages of 6 and 16.¹¹¹⁶ Although education is free, there are additional expenses (e.g., transportation and books) that often prohibit poor families from sending their children to school.¹¹¹⁷ In 1998, the gross primary enrollment rate was 38.8 percent, and the net primary enrollment rate was 31.9 percent.¹¹¹⁸ Both gross and net enrollment rates are lower for girls than for boys.¹¹¹⁹ Primary school attendance rates are unavailable for Djibouti. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹¹²⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹¹²¹ Night work is prohibited for children under the age of 16, and the hours and conditions of work by children are regulated.¹¹²² Forced labor of children is also prohibited.¹¹²³ The Penal Code criminalizes prostitution.¹¹²⁴ The authority to enforce child labor laws and regulation rests with the Police Vice Squad "Brigade Des Moeurs" and the local gendarmerie.¹¹²⁵ Child labor offences fall under the Criminal Code with the first offence being punishable by fine and the second offence punishable by

¹¹¹⁴ ILO, *Review of Annual Reports Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work, The Effective Abolition of Child Labour: Djibouti*, GB.277/3/2, Geneva, March 2000, 270. See also Integrated Regional Information Networks, "Djibouti: Drought and Economic Refugees Overburden Capital", IRINnews.org, [online], 2001 [cited September 30, 2002]; available from http://irinnews.org/report.asp?ReportID=11104&SelectRegion=Horn_of_Africa&SelectCountry=DJIBOUTI.

¹¹¹⁵ ECPAT International, *Djibouti*, "Child Prostitution". 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. See also Integrated Regional Information Networks, "Djibouti: Drought and Economic Refugees Overburden Capital".

¹¹¹⁶ U.S. Embassy- Djibouti, *unclassified telegram no. 1072*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Djibouti*, Washington D.C., March 4, 2002, 219-20, Section 5 [cited December 10, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=665>.

¹¹¹⁷ U.S. Department of State, *Country Reports- 2001: Djibouti*, 219-20, Section 5.

¹¹¹⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington D.C., 2002.

¹¹¹⁹ In 1998, the gross primary enrollment rate was 32.0 percent for girls and 45.6 percent for boys. The net primary enrollment rate was 26.6 percent for girls and 37.1 percent for boys. Ibid.

¹¹²⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹¹²¹ See ILO, *The Effective Abolition of Child Labour: Djibouti*. The government is currently drafting a new Labor Code that will raise the minimum age for employment from age 14 to 16. See U.S. Embassy- Djibouti, *unclassified telegram no. 1503*.

¹¹²² UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 25.

¹¹²³ U.S. Department of State, *Country Reports- 2001: Djibouti*, 221-22, Section 6c.

¹¹²⁴ ECPAT International, *Djibouti*.

¹¹²⁵ U.S. Embassy- Djibouti, *unclassified telegram no. 1072*.

a jail sentence. However, no incidents of child labor violations have been brought before the judicial system to date.¹¹²⁶

The Government of Djibouti has not ratified ILO Convention 138 or ILO Convention 182.¹¹²⁷

¹¹²⁶ Ibid. There is reported to be a shortage of labor inspectors, which may contribute to the lack of reported child labor violations. See also U.S. Department of State, *Country Reports- 2001: Djibouti*, 221-22, Section 6d.

¹¹²⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Dominica

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

From 1996 to 2001, the Government of Dominica implemented a five-year Basic Education Reform Project with assistance from the World Bank.¹¹²⁸ The project focused on strengthening management and planning at the Ministry of Education, and improving the quality of basic education by upgrading teacher training, improving school supervision, curriculum reform, establishing testing mechanisms to monitor student and system performance, and the identification of more cost effective methods for selecting, acquiring and distributing educational materials.¹¹²⁹

In 1999, an Education Development Plan was formulated with participation from both public and private sector stakeholders. The Plan, which was revised in 2001, sets forth action plans including the development of a national curriculum and continued national assessment; increasing literacy, numeracy, scientific skills for all learners; ensuring computer literacy in schools; and strengthening the role of civil society in planning, implementing and evaluating educational reform.

From 1999 to 2000, the Government of Dominica also participated in a project with the Canadian Teachers' Federation to strengthen national teacher organizations, and train educators in leadership skills and new teaching methodologies.¹¹³⁰ The Canadian Government's Eastern Caribbean Education Reform Project provided assistance to the Government of Dominica to develop more effective supervision and support services at the school level.¹¹³¹

Incidence and Nature of Child Labor

Statistics on the number of working children below the age of 15 in Dominica are unavailable. However, some children help their families on a seasonal basis in agriculture,¹¹³² and it was reported that Dominica is a country of origin and transit for the trafficking of children en route from the Dominican Republic to Saint Martin.¹¹³³

¹¹²⁸ Virginia Thomas, Statistician, Educational Planning Unit, Ministry of Education, Sports and Youth Affairs, Commonwealth of Dominica, facsimile communication to USDOL official, August 22, 2002.

¹¹²⁹ UNESCO, *Education for All 2000 Assessment: Country Reports-Dominica*, prepared by Ministry of Education, Sports, and Youth, pursuant to UN General Assembly Resolution 52/84, June 1999, Part II, 9 [cited December 10, 2002]; available from <http://www2.unesco.org/wef/countryreports/dominica/contents.html>.

¹¹³⁰ Government of Canada, *Canadian Cooperation in the Caribbean 2000 Edition: Dominica*, CIDA.gc.com, [cited July 17, 2002]; available from <http://www.acdi-cida.gc.ca/ind.nsf>.

¹¹³¹ Ibid.

¹¹³² U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.

¹¹³³ Protection Project, "Dominica," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited July 17, 2002]; available from <http://www.protectionproject.org>.

Under the Education Act of 1997, schooling is compulsory from ages 5 to 16.¹¹³⁴ In 2002, the gross primary enrollment rate was 92.7 percent, and the net primary enrollment rate was 89.9 percent.¹¹³⁵ Primary school attendance rates are unavailable for Dominica. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹¹³⁶ Poor physical conditions and overcrowded classrooms affect the quality of education, while poverty, the need for children to help with seasonal harvests, and the termination of a school lunch program have negatively affected school attendance.¹¹³⁷

Child Labor Laws and Enforcement

The minimum age for employment is 15 years.¹¹³⁸ The Employment of Women, Young Persons and Children Act places restrictions on the employment of young persons at night.¹¹³⁹ There are no laws that specifically prohibit trafficking in persons¹¹⁴⁰ or child pornography, but the Sexual Offenses Act of 1998 prohibits prostitution.¹¹⁴¹ The Sexual Offenses Act also prohibits the defilement of girls under 16, 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.¹¹⁴² The Constitution prohibits slavery, servitude and forced labor.¹¹⁴³

The Government of Dominica ratified ILO Convention 138 in September 27, 1983 and ILO Convention 182 on January 4, 2001.¹¹⁴⁴

¹¹³⁴ Thomas, facsimile communication, August 22, 2002.

¹¹³⁵ Ibid.

¹¹³⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹¹³⁷ U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also, UNESCO, *EFA 2000 Report: Dominica*.

¹¹³⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Dominica*, Washington, D.C., March 4, 2002, 2763-64, Section 6d [cited August 7, 2002]; available from <http://state.gov/g/drl/rls/hrpt/2001/wha/8340.htm>.

¹¹³⁹ Government of the Commonwealth of Dominica, *Employment of Women, Young Persons and Children Act (L.f.5 of 1938)*, (February 1, 1939), [cited August 7, 2002]; available from <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang=E&doc=query&ctry=DMA&11x=12.01>.

¹¹⁴⁰ U.S. Department of State, *Country Reports- 2001: Dominica*, 2763-64, Section 6f.

¹¹⁴¹ Government of the Commonwealth of Dominica, *Sexual Offenses Act 1998 (No. 1 of 1998)*, (March 22, 1998), [cited August 7, 2002]; available from <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang=E&doc=query&ctry=DMA&11x=02>.

¹¹⁴² These provisions are found in Articles 2, 3, 4, and 7 of the Sexual Offenses Act. See Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: Dominica*, Interpol.int, [online] [cited August 21, 2002], III; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaDominique.asp>.

¹¹⁴³ *The Commonwealth of Dominica Constitution Order, 1978 No. 1027*, (November 3, 1978), Chapter 1, Section 4, 1-2 [cited July 17, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Dominica/const.html>.

¹¹⁴⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 7, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Dominican Republic

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

The Government of the Dominican Republic has been a member of ILO-IPEC since 1997.¹¹⁴⁵ In December 1998, a two-year pilot project was launched to eliminate and prevent child labor in Constanza,¹¹⁴⁶ followed by a USDOL-funded ILO-IPEC project in September 2001 to make Constanza the first municipality free of child labor.¹¹⁴⁷ The Dominican Republic is currently participating in two ILO-IPEC regional projects funded by USDOL to combat child labor in the coffee and tomato sectors.¹¹⁴⁸ With funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, the Ministry of Labor also conducted a national child labor survey in 2000-2001.¹¹⁴⁹ As part of USDOL-funded preparatory activities for the ILO-IPEC Time-Bound Program, a pilot model to combat commercial sexual exploitation is underway in Boca Chica, and several baseline studies and rapid assessments are being conducted in rural and urban sectors.¹¹⁵⁰

In April 2002, ILO-IPEC carried out a study on child domestic work.¹¹⁵¹ With other donor funding, ILO-IPEC is carrying out a project in Santo Domingo and Santiago aimed at raising awareness of, collecting information on, and providing direct attention to children involved in domestic work in the homes of third parties.¹¹⁵² The Dominican Republic's national Time-Bound Program to eliminate the worst forms of child labor within a specific timeframe began in September 2002, and will target children working under hazardous conditions in agriculture, in the informal urban sector, and commercial sexual exploitation.¹¹⁵³ The Government of the Dominican Republic, especially the Ministry of Labor, has been supportive of these efforts to combat child labor through its political and financial commitments.¹¹⁵⁴ In January 2002, the Ministry of Labor

¹¹⁴⁵ 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, 1.

¹¹⁴⁶ ILO-IPEC, *Combating Child Labour in High-Risk Agriculture Activities in Constanza*, project document, Geneva, March 2001. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 0292*, January 2001.

¹¹⁴⁷ ILO-IPEC, *Elimination of the Worst Forms of Child Labour*, project document, 3.

¹¹⁴⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Dominican Republic*, DOM/00/P50/USA, Geneva, June - July 2000. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, DOM/99/05/050, Geneva, 1999.

¹¹⁴⁹ ILO-IPEC, *Central America: SIMPOC*, project document, CAM/99/05/050, Geneva, 1999, 11.

¹¹⁵⁰ ILO-IPEC, *Elimination of the Worst Forms of Child Labour*, project document, 3, 8.

¹¹⁵¹ ILO-IPEC, *Esto no es un juego: Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana*, Santo Domingo, April 2002.

¹¹⁵² ILO official, electronic communication to USDOL official, September 16, 2002.

¹¹⁵³ 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, 16.

¹¹⁵⁴ *Ibid.*, 2, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 0292*.

launched a nationwide public campaign, including television and radio spots, and the distribution of calendars and buttons, in order to raise awareness on the harmful and negative effects of child labor.¹¹⁵⁵

In 1996, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation in Tourist Areas was created. The National Steering Committee for the Elimination of Child Labor was formed in March 1997.¹¹⁵⁶

Since 1992, government policy on education has been coordinated through its Ten-Year Education Plan,¹¹⁵⁷ which had some notable achievements in improving basic education coverage, increasing enrollment in pre-school and secondary education, and decreasing the drop-out rate.¹¹⁵⁸ Currently, the government is developing its new Ten-Year Education Plan, which will support ongoing efforts to improve access, retention, and the quality of education.¹¹⁵⁹ The Ministry of Education will also be expanding the Innovative Multi-Grade School Project to provide instruction to children in two or more grades in one classroom, which was funded by UNICEF in 1999, with support from UNICEF, the IDB, and Plan International.¹¹⁶⁰ In 1995, the World Bank, IDB, and local contributors funded the Basic Education Improvement Project to improve school infrastructures, expand school nutrition programs, train teachers, and improve monitoring and evaluation in the education sector.¹¹⁶¹ In addition, to increase access to pre-schools, the World Bank approved a USD 42 million loan to increase the number of pre-schools and provide teacher training.¹¹⁶² In January

¹¹⁵⁵ Government of the Dominican Republic, *Informe Sobre los Esfuerzos de Nuestro Pais para Eliminar las Peores Formas del Trabajo Infantil*, 6, 7.

¹¹⁵⁶ ILO-IPEC, *Timebound Program*, project document, 6, 10. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*, September 2001.

¹¹⁵⁷ The main goal of the Ten-Year Education Plan (PDE) was to increase access to quality education by reforming curricula, improving teaching conditions, increasing community participation in education, enacting a new education law, and increasing resources for education. See ILO-IPEC, *Elimination of the Worst Forms of Child Labour*, project document, 7.

¹¹⁵⁸ ILO-IPEC, *Timebound Program*, project document, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1782*, April 2001.

¹¹⁵⁹ ILO-IPEC, *Timebound Program*, project document, 8.

¹¹⁶⁰ *Proyecto Escuela Multigrado Innovada* is aimed at rural schools where the numbers of children do not necessarily justify the construction of additional classrooms. Under this program, teachers will be able to provide instruction to children in two or more grades in one classroom. This program has allowed many schools that only counted with the first basic education cycle (of four years) to complete the second basic education cycle in order to offer the 8-year compulsory grades. The result has been that more children have continued their education instead of leaving school due to the distance of the assigned schools. See *Ibid.* See also Secretary of Education of the Dominican Republic and Fundación Volvamos a la Gente, *Síntesis de Resultados, Proyecto: Escuela Multigrado Innovada*, UNICEF, 1. See also Inter-American Development Bank, *Basic Education Project III*.

¹¹⁶¹ Inter-American Development Bank, *IDB Approves \$52 million for Basic Education in Dominican Republic*, press release, Basic Education Improvement Program, October 30, 1995, [cited September 8, 2002]; available from <http://www.iadb.org/exr/PRENSA/1995/cp23695e.htm>.

¹¹⁶² ILO-IPEC, *Timebound Program*, project document, 8. See also World Bank, *Projects, Policies, and Strategies: Projects in the Dominican Republic*, [online] [cited October 5, 2002]; available from <http://www4.worldbank.org/projects/Results.asp?Coun=DO&Sec=All&Lend=All&sYr=All&eYr=All&Env=All&Stat=All&display=10&sOpt=Country&st=DetSrc&x=38&y=9>.

2002, the IDB approved an additional education program to provide USD 54 million to improve coverage of the second cycle of basic education, introduce better pedagogic methodologies in multi-grade schools, increase the internal efficiency of basic education, expand the hours of schooling, and modernize the training of basic education teachers.¹¹⁶³

Incidence and Nature of Child Labor

In 2000-2001, the Ministry of Labor, in collaboration with the ILO-IPEC's SIMPOC program carried out a national child labor survey. According to the survey results, released in October 2001, 17.7 percent (428,720 children) of children ages 5 to 17 years in the Dominican Republic were working.¹¹⁶⁴ Children work as agricultural workers, street vendors and shoe shiners, and domestic servants.¹¹⁶⁵ Haitian children work on sugarcane farms in the Dominican Republic, particularly in the Barahona province.¹¹⁶⁶ Children also work as domestic servants in homes of third parties.¹¹⁶⁷ Children from poor families are adopted into others' homes, often serving under a kind of indentured servitude.¹¹⁶⁸

The commercial sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country.¹¹⁶⁹ According to a study sponsored by UNICEF and the National Planning Office in 1999, 75 percent of minors involved in prostitution were working in brothels, discos, restaurants, and hotels.¹¹⁷⁰ There are reports that women and children are trafficked to, from, and within the Dominican Republic particularly for the purpose of

¹¹⁶³ Inter-American Development Bank, *Basic Education Project III*.

¹¹⁶⁴ ILO-IPEC, *Timebound Program, project document*, 3. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Dominican Republic*, Washington, D.C., March 4, 2002, 2779-83, Section 6d [cited December 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8345.htm>. In 2000, the World Bank and the ILO estimated that, in the Dominican Republic, 13.2 percent of children ages 10 to 14 were working. According to the ILO, 124,000 children ages 10 to 14 were economically active. ILO, *Yearbook of Labor Statistics 2002*, Geneva, 2002. See also World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹¹⁶⁵ Almost three quarters of working children are boys, and more children work in urban areas than in rural areas. See ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 1, 7.

¹¹⁶⁶ Agustin Vargas-Saillant, Domingo Jimenez, and Rufina Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic, interview with USDOL official, August 29, 2000. See also U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6d. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*, October 2002.

¹¹⁶⁷ ILO-IPEC, *Esto no es un juego: Un estudio exploratorio*.

¹¹⁶⁸ They work long hours under the threat of punishment, in agriculture, domestic service, or industry. Some, especially the girls, are sexually abused. See U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6c.

¹¹⁶⁹ ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Geneva, April 2002. See also U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2777-79, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2001: Dominican Republic*, Washington, D.C., June 5, 2002, 44 [cited December 26, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

¹¹⁷⁰ Emmanuel Silvestre, Jaime Rijo, and Huberto Bogaert, *La Neo-Prostitucion Infantil en Republica Dominicana*, UNICEF and ONAPLAN, 1999, 33. See also Mercedes Gonzalez, "La explotación sexual y laboral de niños," *El Siglo*, August 20, 2000.

prostitution.¹¹⁷¹ The Directorate of Migration has estimated that approximately 400 rings of alien smugglers, traffickers, and purveyors of false documents operate within the country.¹¹⁷² Haitian children are reportedly trafficked to the Dominican Republic to work as shoe-shiners, street vendors, in agriculture, and to beg in the streets.¹¹⁷³

Basic education is free and compulsory between the ages of 5 and 14 years.¹¹⁷⁴ In 1997, the gross primary enrollment rate was 101.9 percent,¹¹⁷⁵ and the net primary enrollment rate was 84.3 percent.¹¹⁷⁶ In 1999, the repetition rate was 5.6 percent and the drop-out rate was 14.4 percent for children enrolled in grades one to eight.¹¹⁷⁷ Primary school attendance rates are unavailable for the Dominican Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹¹⁷⁸ 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.¹¹⁷⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, and places restrictions on the employment of youth between the ages of 14 and 16.¹¹⁸⁰ Youth under 16 may not work more than six hours a day, and must have a medical certificate in order to work.¹¹⁸¹ They are restricted from performing night work and from working more than 12 hours daily. Youth under 16 are also prohibited from performing ambulatory work, delivery work, or work in establishments that serve

¹¹⁷¹ U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2777-83, Sections 5, 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁷² U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6f.

¹¹⁷³ IOM, *Dominican Republic - Workshop on Counter Trafficking: Press Briefing Notes*, [online] August 2002 [cited August 9, 2002]; available from <http://www.iom.int/en/news/PBN200802.shtml>. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁷⁴ UNESCO, *Statistics: National Education Systems*, [online], [cited December 31, 2001]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹¹⁷⁵ There are no figures currently available for 1998 or 1999. UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

¹¹⁷⁶ Ibid.

¹¹⁷⁷ ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 6.

¹¹⁷⁸ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹¹⁷⁹ ILO-IPEC, *Elimination of the Worst Forms of Child Labour, project document*, 7. See also ILO-IPEC, *Timebound Program, project document*, 13.

¹¹⁸⁰ *Código de Trabajo de la República Dominicana 1999*, Articles 245, 46.

¹¹⁸¹ Permission is needed from both the mother and father. If this is not possible, then authorization can be gained from the child's tutor. If there is no tutor, authorization can be granted by a judge from the child's area of residence. See Ibid., Artículos 247, 48. See also Secretary of State of Labor, *Preguntas y Respuestas*, [online] [cited December 10, 2002]; available from <http://www.set.gov.do/preguntas/menor.htm>.

alcohol.¹¹⁸² Article 254 of the Labor Code requires employers to ensure that minors may continue their schooling.¹¹⁸³

Forced labor is prohibited under the law.¹¹⁸⁴ The Code of the Minor criminalizes child prostitution and child pornography.¹¹⁸⁵ The Penal Code prohibits trafficking in persons for the purpose of prostitution, but does not include other severe forms of trafficking.¹¹⁸⁶ The law imposes fines and imprisonment of 2 to 10 years for traffickers involved in promoting prostitution.¹¹⁸⁷ A migrant smuggling law can be used to prosecute traffickers.¹¹⁸⁸

The Ministry of Labor is responsible for enforcing child labor laws.¹¹⁸⁹ In 2000, the Government of the Dominican Republic had approximately 232 labor inspectors charged with enforcement of the minimum wage, child labor laws, and health and safety legislation. Article 720 of the Labor Code imposes penalties on child labor violators, which include fines and jail sentences.¹¹⁹⁰ The Ministry of Labor has taken employers in violation of the law to court.¹¹⁹¹ Also, the Ministry of Labor has held seminars for labor inspectors and municipal Ministry of Labor representatives throughout the country in order to educate them on child labor laws and enforcement.¹¹⁹²

The Government of the Dominican Republic ratified ILO Convention 138 on June 15, 1999 and ILO Convention 182 on November 15, 2000.¹¹⁹³

¹¹⁸² *Código de Trabajo 1999*, Articles 246, 49.

¹¹⁸³ *Ibid.*, Article 254.

¹¹⁸⁴ U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6c.

¹¹⁸⁵ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3141*, August 2000.

¹¹⁸⁶ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁸⁷ U.S. Department of State, *Country Reports- 2001: Dominican Republic*, 2779-83, Section 6f.

¹¹⁸⁸ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, 44.

¹¹⁸⁹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*.

¹¹⁹⁰ *Código de Trabajo 1999*, Article 720. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*, June 2000. U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*.

¹¹⁹¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*.

¹¹⁹² U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*.

¹¹⁹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 8, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Ecuador

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

The Government of Ecuador has been a member of ILO-IPEC since 1997.¹¹⁹⁴ In 2002, with technical assistance from ILO-IPEC and funding from USDOL, Ecuador began preparatory activities for a Time-Bound Program to eliminate the worst forms of child labor in the country within a determined period of time.¹¹⁹⁵ The government has also completed the collection of field data for a national child labor survey with technical assistance from ILO-IPEC's SIMPOC, and is finalizing the report.¹¹⁹⁶ In 2000, a USDOL-funded ILO-IPEC regional program was established in Ecuador, along with Bolivia and Peru, to prevent and progressively eliminate child labor in small-scale traditional gold mining.¹¹⁹⁷ A two-year, second phase of this project was funded in September 2002.¹¹⁹⁸

With assistance from ILO-IPEC, the government has also instituted several sector-specific programs to study and combat child labor. Programs have been established to combat child labor in the brick making industries of Quito and Cuenca, the garbage dumps of Santo Domingo de los Colorados, and in the country's cut flower industry.¹¹⁹⁹ The Government of the Netherlands is funding a research project that investigates the factors and conditions that lead to the commercial sexual exploitation of children and adolescents.¹²⁰⁰

¹¹⁹⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 7, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹¹⁹⁵ ILO-IPEC, "IPEC en Acción: IPEC intensifica acciones en América del Sur," *Boletín Electrónico Encuentros* no. 2, [cited October 7, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/numero2/Boletindos/ipecenacciondos.html>.

¹¹⁹⁶ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

¹¹⁹⁷ The program consists of awareness-raising campaigns, baseline studies of child labor in traditional mining, training programs for governmental and nongovernmental workers and employer service providers, promulgation of national policies on child labor in traditional mining activities, development of national networks focused on child labor in mining, and local action plans to withdraw children from hazardous mining tasks. See ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, LAR/00/05/050, Geneva, May 2000, 10-11.

¹¹⁹⁸ ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, Geneva, September 30, 2002.

¹¹⁹⁹ Ecuadorian Ministry of Labor and Human Resources, fact sheet, November 15, 2001.

¹²⁰⁰ ECPAT International, *Ecuador*, in ECPAT International, [online] [cited August 30, 2002], "CSEC Overview"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=51&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.

In July 2002, the Ministry of Labor signed an agreement with the banana industry and various national and international organizations to eradicate child labor (for children under the age of 15) from banana plantations by August 2003.¹²⁰¹ In 2001, the Government of Ecuador established a Technical Secretariat for the National Committee for the Progressive Eradication of Child Labor (CONEPTI).¹²⁰² CONEPTI was a key participant in the ongoing development of the second National Plan to Eliminate Child Labor (2003-2006), and has coordinated and participated in tripartite meetings to define the worst forms of child labor.¹²⁰³

In 2002, the government created the National Council on Children and Adolescents by executive decree. The Council is responsible for creating, planning and carrying out national policy on child and adolescent issues in Ecuador.¹²⁰⁴ The National Child and Family Institute (INNFA) implements an education program that reintegrates working children and adolescents who are between the ages of 8 and 15 into the school system so that they may complete the basic education cycle.¹²⁰⁵ INNFA is also developing a System of Social Indicators that will be used to define public policy to benefit children and adolescents.¹²⁰⁶ The Ministry of Education, Culture, Sports and Recreation has developed a USD 14 million project that includes training in sustainable production for working children between the ages of 12 and 15 who are enrolled in the public school system.¹²⁰⁷

In conjunction with the World Food Program, the Ministry also provides nutritional supplements to students of low-income families at public primary schools throughout the country.¹²⁰⁸ In 1998, the Inter-American Development Bank (IDB) approved a loan of USD 45 million to the Government of

¹²⁰¹ “Menores de 15 años no trabajarán en bananeras,” *El Universo*, November 27, 2002, [cited December 27, 2002]; available from <http://www.eluniverso.com/data/modulos/noticias/print.asp?contid=CACCF6FB29A3453798AFCD53C7D4DF89>.

¹²⁰² The Secretariat is responsible for determining CONEPTI’s structure, functions and financing. The original Committee, created in July 1997, was fraught with political instability, due in part to changes in government, and met infrequently. See 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 12, 2001, 4.

¹²⁰³ 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.

¹²⁰⁴ Ibid.

¹²⁰⁵ The cost to reinsert one child into the school system for a year is USD 130, which includes registration, uniform, school supplies, extracurricular activities, and lesson reinforcement. National Child and Family Institute. National Child and Family Institute (INNFA), *Programa de Protección y Educación del Niño Trabajador: Información*, [online] 2001 [cited September 3, 2002]; available from <http://www.innfa.org/programas/pnt/informacion.htm>.

¹²⁰⁶ National Child and Family Institute (INNFA), *Red de Información sobre Infancia, Adolescencia y Familia: Información*, [online] 2001 [cited September 3, 2002]; available from <http://www.innfa.org/programas/riinfa/informacion.htm>.

¹²⁰⁷ Ministry of Education, Culture, Sports, and Recreation, *Proyecto Educativo Productivo en Conocimientos Básicos Generales y Microempresas Educativas Formativas Productivas Sostenibles en Contexto de Desarrollo Local, Promoción Socioeconómica y Generación de Empleo: Plan Nacional*, [online] [cited September 3, 2002], Plan 50; available from <http://www.mec.gov.ec/final/plan50/p2.htm>.

¹²⁰⁸ Ministry of Social Welfare, *Informe Nacional Sobre el Seguimiento de la Cumbre Mundial en Favor de la Infancia*, National Institute of the Child and Family, June 2001, 10 [cited October 7, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_ecuador_sp.PDF.

Ecuador for a project to grant autonomy to approximately 20 percent of rural schools to improve management of resources and teaching conditions in rural basic education.¹²⁰⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 4.3 percent of children ages 5 to 14 years in Ecuador were working.¹²¹⁰ The majority of working children are found in rural areas of the sierra, with the next most problematic regions being the Amazon and urban coastal areas.¹²¹¹ Many parents have emigrated abroad in search of work and have left their children behind, which has led to an increase in child labor. Similarly, the migration of the rural poor to cities has increased the incidence of child labor in urban areas.¹²¹² In rural areas, young children are often found performing unpaid agricultural labor for their families.¹²¹³ In urban areas, children work in manufacturing, commerce and services, such as automobile repair and domestic service.¹²¹⁴ Many urban children under 12 years of age work in family-owned businesses in the informal sector, including shining shoes, collecting and recycling garbage, selling, and begging on the streets.¹²¹⁵

The commercial sexual exploitation of children occurs in Ecuador,¹²¹⁶ and there were reports in 2002 that it may be on the rise.¹²¹⁷ There have been reports of cases in which children have been forced into prostitution.¹²¹⁸ Ecuador is a country of origin for the trafficking of women and

¹²⁰⁹ Inter-American Development Bank, *Rural Autonomous School Network Program: Executive Summary*, EC-0125, November 1998, [cited October 7, 2002]; available from <http://www.iadb.org/exr/doc98/apr/ec1142e.pdf>.

¹²¹⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. A child labor survey was implemented by the National Institute of Statistics and Census in 2001-2002 in conjunction with the Ministry of Labor and the National Child and Family Institute (INNFA). The preliminary results of the survey reveal that in rural areas, 38.6 percent of children ages 5 to 17 are working. In urban areas, the percentage drops to 13.8 percent. See ILO-IPEC, "INDEC, Mintrabajo e INNFA presentan resultados preliminares de Encuesta Nacional: 38.6% de niños y niñas entre 5 y 17 años trabajan en el area rural de Ecuador," *Encuentros* no. 2 (December 2001 - February 2002), [cited January 22, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipiec/boletin/numero2/Boletindos/notipeca.html>.

¹²¹¹ ILO-IPEC, "Mintrabajo e INNFA presentan resultados preliminares de Encuesta Nacional."

¹²¹² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Ecuador*, Washington, D.C., March 4, 2002, 2794-96, Section 6d [cited August 22, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8356.htm>.

¹²¹³ Mauricio Garcia, *El trabajo y la educación de los niños y de los adolescentes en el Ecuador*, UNICEF, 1996, 38.

¹²¹⁴ Ibid.

¹²¹⁵ U.S. Department of State- Quito, *unclassified telegram no. 3265*, September 25, 2001.

¹²¹⁶ See U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²¹⁷ ECPAT International, *Ecuador*, "CSEC Overview".

¹²¹⁸ U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

children for commercial sexual exploitation.¹²¹⁹ Information gathered in 1999 reveals that a trafficking ring exists that offers young indigenous people and their families USD 6,000 to work as domestic servants or Spanish teachers in Japan. Children are transported by cruise ship to Japan and are then forced into the sex industry. Other sources report that indigenous children have been trafficked to Venezuela and Uruguay to sell handicrafts or to beg on the streets.¹²²⁰

The Constitution requires that all children attend school until they achieve a “basic level of education,” which usually encompasses nine school years.¹²²¹ The government does not enforce this requirement due to the lack of schools and inadequate resources in many rural communities, as well as the pervasive need for children to contribute to the family income.¹²²² In 1998, the gross primary enrollment rate was 113.1 percent, and the net primary enrollment rate was 96.7 percent.¹²²³ A 1999 study indicated that one child out of every three does not complete grade six.¹²²⁴ Primary school attendance rates are unavailable for Ecuador. While enrollment rates indicate a level of commitment to education, they do not always reflect children’s participation in school.¹²²⁵ The Constitution dictates that 30 percent of the public budget must be reserved for education expenses, yet only half of that percentage is actually spent on education.¹²²⁶ In 2001, government spending on education continued to decline, both as a proportion of GDP and in real terms.¹²²⁷ Families often face significant additional education-related expenses such as fees and transportation costs.¹²²⁸

¹²¹⁹ Ibid., 2794-96, Section 6f. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Ecuador*, CRC/C/15/Add.93, Geneva, October 26, 1998, [cited December 27, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/b1a4ab3e2073a876802566c9003c7a8e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/b1a4ab3e2073a876802566c9003c7a8e?Opendocument). There are also reports that Ecuador is a destination country for trafficked children. See Protection Project, “Ecuador,” in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 21, 2002]; available from <http://209.190.246.239/ver2/cr/Ecuador.pdf>.

¹²²⁰ United Nations Economic and Social Council, *Specific Groups and Individuals: Migrant Workers*, E/CN.4/2002/94/Add.1, prepared by Ms. Gabriela Rodríguez Pizarro: Special Rapporteur, pursuant to UN General Assembly Resolution 2001/52, February 18, 2002, Addendum: Mission to Ecuador, 16.

¹²²¹ U.S. Department of State- Quito, *unclassified telegram no. 3265*.

¹²²² U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²²³ World Bank, *World Development Indicators 2002*.

¹²²⁴ U.S. Department of State- Quito, *unclassified telegram no. 3265*. See also U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²²⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹²²⁶ U.S. Department of State, *Country Reports- 2001: Ecuador*, 2791-93, Section 5.

¹²²⁷ Ibid.

¹²²⁸ U.S. Department of State- Quito, *unclassified telegram no. 3265*.

Child Labor Laws and Enforcement

The Childhood and Adolescence Code, modified in January 2003, sets the minimum age for all employment, including domestic service, at 15 years.¹²²⁹ The minimum age does not apply to children involved in formative cultural or ancestral practices as long as the children are not exposed to physical, psychological or cultural harm.¹²³⁰ The Childhood and Adolescence Code prohibits adolescents from working more than six hours per day or 30 hours per week.¹²³¹ The Code also prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries.¹²³² According to the Labor Code, which has not been updated to reflect Ecuador's adoption of ILO Conventions 138 and 182, minors under 18 years are prohibited from engaging in night work, and children under 15 may not work aboard fishing vessels, except with special permission from the court, during school vacation, and as long as the work is not likely to harm their health and moral development.¹²³³

The 1998 Constitution specifically calls for children in Ecuador to be protected in the work place against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. Minors are also protected against trafficking, prostitution, and the use of illegal drugs and alcohol.¹²³⁴ The Penal Code explicitly defines and prohibits exposing children to pornography, promoting and facilitating prostitution, and trafficking. Adults convicted of promoting or engaging children in such activities may be sentenced from one to nine years in jail.¹²³⁵ The Childhood and Adolescence Code prescribes sanctions against violators of the code, such as monetary fines and the closing of establishments where child labor occurs.¹²³⁶ In June 2000, the Criminal Code was amended to strengthen sentences for furnishing or utilizing false documents and for smuggling of non-citizens.¹²³⁷

No single government authority is responsible for the implementation of child labor laws and regulations prohibiting the worst forms of child labor. Public institutions charged with enforcing child labor laws include the Ministry of Labor, Ministry of Social Welfare, and Minors' Tribunals. The Ministry of Labor has created a Social Service Directorate to monitor and control child labor in the formal sector; however, most child laborers are found in the informal sector, where monitoring

¹²²⁹ *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), Title V, Chapter I, Article 82; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/documentos/cna.doc>.

¹²³⁰ *Ibid.*, Article 86.

¹²³¹ *Ibid.*, Article 84.

¹²³² *Ibid.*, Article 87.

¹²³³ ILO-IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995, Articles 137, 38 and 47, 24.

¹²³⁴ U.S. Department of State- Quito, *unclassified telegram no. 3265*.

¹²³⁵ *Derecho Penal: Código Penal Ecuatoriano*, [cited October 7, 2002]; available from <http://www.unifr.ch/derechopenal/ljecuador/cpecu30.html>.

¹²³⁶ *Código de la Niñez y Adolescencia*, Chapter IV, Article 95.

¹²³⁷ U.S. Department of State, *Country Reports- 2001: Ecuador*, 2794-96, Section 6f.

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.¹²³⁸

The Government of Ecuador ratified ILO Convention 138 and ILO Convention 182 on September 19, 2000.¹²³⁹

¹²³⁸ U.S. Department of State- Quito, *unclassified telegram no. 3265*. It is reported that in the banana regions, the regional Labor Inspectorate (responsible for ensuring that employers comply with labor laws) relies heavily on complaints of child labor law violations because its resources do not allow for meaningful preventative inspections. Human Rights Watch, *Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor*, 5. Law enforcement authorities are reportedly complicit in the commercial sexual exploitation of children, which has added to perpetuating this problem. See ECPAT International, *Ecuador*.

¹²³⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Egypt

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

The Government of Egypt has been a member of ILO-IPEC since 1996.¹²⁴⁰ The Ministry of Labor and Employment established a national plan to combat child labor in 1995. This plan proposed education and vocational training programs, income-generating activities for families, and training on child labor issues for labor inspectors, government officials, and NGO staff members.¹²⁴¹ ILO-IPEC and the government have collaborated on several initiatives to combat child labor, including a direct action program to contribute to the progressive elimination of child labor in leather tanneries, pottery kilns, and other hazardous industries.¹²⁴² Other ILO-IPEC efforts involve public awareness raising, capacity building, and interventions, including a community project that withdraws children from hazardous work in auto repair workshops, and textile and plastics factories.¹²⁴³ In 2000, the government established a Child Labor Unit (CLU) within the Ministry of Manpower (MOM) to inspect child labor sites.¹²⁴⁴ ILO-IPEC, U.S. Customs Service and the Arab Labor Organization (AOL) provide technical assistance to the CLU.¹²⁴⁵ The National Council for Children and Motherhood is a national coordinating body for agencies promoting the protection of mothers and children, and is working with various research institutions to study and propose specific programs to eliminate child labor.¹²⁴⁶

¹²⁴⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 22, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹²⁴¹ UN Convention on the Rights of Children, *Consideration of Reports Submitted by States Parties, Addendum: Egypt*, prepared by Government of Egypt, pursuant to Article 44 of the Convention on the Rights of the Child, 1999, para. 220 [cited September 3, 2002]; available from [http://www.unhchr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/\\$FILE/G9945502.doc](http://www.unhchr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/$FILE/G9945502.doc).

¹²⁴² ILO-IPEC official, electronic communication to USDOL official, January 7, 2002.

¹²⁴³ U.S. Embassy- Cairo, *unclassified telegram no. 6469*, October 2001.

¹²⁴⁴ *Ibid.*

¹²⁴⁵ *Ibid.* See also U.S. Embassy- Cairo, *unclassified telegram no. 8087*, December 2001.

¹²⁴⁶ Under the guidance of First Lady Suzanne Mubarak, the National Council is focusing in particular on the areas of social welfare, health, education, and social protection. The Council includes active participation by the Ministers of Social Affairs, Health, Culture, Education, Manpower and Vocational Training, Planning, and Information; the chairman of the High Council for Youth and Sports; and the First Lady. U.S. Embassy- Cairo, *unclassified telegram no. 6469*. See also UN Convention on the Rights of Children, *Consideration of Reports: Egypt*, para. 205.

The Ministry of Social Affairs established the Mubarak Program for Social Cooperation in 1996 to provide grants to school children in an effort to offset school fees and indirect costs of schooling and to promote school attendance.¹²⁴⁷ The Ministry of Education has been involved in a number of activities designed to raise school enrollment and attendance in Egypt.¹²⁴⁸ The World Bank's Education Enhancement Program Project was developed to enhance the Ministry's stated goals of ensuring universal access to basic education, with an emphasis on girls, and to improve the quality of education.¹²⁴⁹

Egypt was the first country officially to join the UN Girls' Education Initiative. In 1992, UNICEF launched the Girl Child Initiative with the Community Schools Programme.¹²⁵⁰ Through the construction and renovation of 818 classrooms, USAID has funded a New Schools Program that targets girls between the ages of 6 and 14 years, who have never attended school, or who have dropped out. The Center for Development and Population Activities initiated a number of activities to expand education to girls through scholarships and other incentives for those not enrolled in formal education. In 2002, an initiative for boys was also launched.¹²⁵¹ By building new schools within walking distance of homes, increasing the number of female teachers, and providing grants, uniforms, and meals to children at school, enrollment and attendance has improved.¹²⁵²

¹²⁴⁷ Nadia Ramsis Farah, *Child Labour in Egypt within the Context of CRC*, UNICEF, Cairo, June 1997, 27. School grants are provided through the Ministry of Social Affairs to school children whose families earn less than 100 Egyptian pounds (USD 29.47) per month. During 1996-1997, about 169,000 children received grants, either in-kind or cash, to cover the costs of school uniforms, books, supplies, and school fees. The average annual grant per child was 14.17 Egyptian pounds (USD 4.17). Grants fall well short of the estimated costs of sending children to school, where average primary school fees range from 11.35 to 15.85 pounds (USD 2.50 to 3.40). The Ministry of Education estimates that the average annual cost paid by poor families for primary school education amounts to 348 pounds (USD 102.56 in September 1997) per child. Farah, *Child Labour in Egypt within the Context of CRC*, 26-27. For currency conversion, see FX Converter, [online] [cited August 13, 2002]; available from <http://www.oanda.com/convert/classic>.

¹²⁴⁸ Among the activities, the Government has promoted one-room schools, encouraged private spending on education, provided meals, upgraded schools with computers, and launched an Adopt-a-School program. See Hussein Kamel Bahaa El Din, Egyptian Minister of Education, interview with USDOL official, May 12, 1998.

¹²⁴⁹ World Bank, *Egypt- Education Enhancement Program Project*, [online] 1996 [cited September 4, 2002]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000009265_3970311113957. See also World Bank, *The Arab Republic of Egypt Education Enhancement Program*, staff appraisal report, 15750-EGT, October 21, 1996, 1 [cited December 17, 2002]; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/1996/10/21/000009265_3970311113957/Rendered/PDF/multi_page.pdf.

¹²⁵⁰ UNICEF, *Girls' Education in Egypt*, [online] 2002 [cited September 4, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/cases/egypt.htm>.

¹²⁵¹ USAID, *Education: Improving Basic Education to Meet Market Demand*, USAID: Egypt, [online] 2002 [cited September 4, 2002]; available from <http://www.usaid-eg.org/detail.asp?id=9>.

¹²⁵² The successes are a result of programs that address barriers to children's education. See, for example, UNICEF, *Girls' Education in Egypt*. Hussein Kamel Bahaa El Din, interview, May 12, 1998. See also Kristin Moehlmann, *Girl-Friendly Schools Improve Egypt's Report Card*, UNICEF, [online] [cited September 4, 2002]; available from <http://www.unicef.org/information/mdg/mdg07.htm>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 9.3 percent of children ages 10 to 14 years in Egypt were working.¹²⁵³ A 1997 national survey conducted by the Population Council showed a gender disparity between working children. Approximately 29 percent of 10-year-old boys were working compared to 13 percent of girls the same age. The percentage of economically active boys increases sharply through age 18 while the increase in girls is considerably less.¹²⁵⁴ Children are largely found working in the agricultural sector.¹²⁵⁵ Children also work in leather tanneries, pottery kilns,¹²⁵⁶ glassworks,¹²⁵⁷ auto repair workshops, and textile and plastics factories.¹²⁵⁸ Girls from poor families are reported to work as domestic servants in the homes of other families.¹²⁵⁹

Although the Constitution guarantees free and compulsory basic education for children between the ages of 6 and 15,¹²⁶⁰ the Ministry of Education imposes school fees for primary education.¹²⁶¹ In 1998, the gross primary enrollment rate was 100.2 percent, and the net primary enrollment rate was 92.4 percent.¹²⁶² Girls' enrollment still lags behind that of boys.¹²⁶³ In 1996, the net primary school attendance was 83.3 percent.¹²⁶⁴

¹²⁵³ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹²⁵⁴ These findings were based on a random national sample of adolescents. Philip L. Graitcer and Leonard B. Lerer, *The Impact of Child Labor on Health: Report of a Field Investigation in Egypt*, Atlanta, July 2000, 35 [cited December 17, 2002]; available from <http://www.worldbank.org/children/The%20Impact%20of%20Child%20Labor%20on%20Health%20with%20append..pdf>.

¹²⁵⁵ UN Convention on the Rights of Children, *Consideration of Reports: Egypt*, para. 208. Unfortunately, most reports of national child labor statistics are based on a study conducted by the Egyptian Central Agency for Public Mobilization and Statistics (CAPMAS) in 1988. The paucity of findings from recent surveys renders statistics on the current situation of child labor highly suspect. For information on the CAPMAS survey, see Graitcer and Lerer, *The Impact of Child Labor on Health*, 33.

¹²⁵⁶ ILO-IPEC official, electronic communication, January 7.

¹²⁵⁷ UN Convention on the Rights of Children, *Consideration of Reports: Egypt*, para. 221.

¹²⁵⁸ U.S. Embassy- Cairo, *unclassified telegram no. 6469*.

¹²⁵⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Egypt*, Washington, D.C., March 4, 2002, 2037-39, Section 6c and 6d [cited September 4, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8248.htm>.

¹²⁶⁰ *The Constitution of the Arab Republic of Egypt, 1980*, (May 22, 1980), Articles 18 and 20 [cited October 1, 2002]; available from <http://www.sis.gov.eg/egyptinf/politics/parlament/html/constit.htm>. See also UNESCO, *Education for All 2000 Assessment: Country Reports - Egypt*, prepared by National Center for Educational Research and Development, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited September 4, 2002]; available from http://www2.unesco.org/wef/countryreports/egypt/rapport_1.htm.

¹²⁶¹ Farah, *Child Labour in Egypt within the Context of CRC*, 26-27.

¹²⁶² World Bank, *World Development Indicators 2002*.

¹²⁶³ Girls' gross primary enrollment is 95.9 compared to 104.3 for boys while girls' net primary enrollment is 89.2 compared to 95.4 for boys in 1998. Ibid.

¹²⁶⁴ Ibid.

Child Labor Laws and Enforcement

The Children's Code establishes 14 years as the minimum age for employment. At 12 years old, children may participate in training for seasonal employment provided the work does not interfere with their health, growth, and school attendance.¹²⁶⁵ In April 2001, the government issued a decree making it illegal to employ children below the age of 14 in cotton fields.¹²⁶⁶ The Labor Law of 1996 also prohibits children from working over six hours per day or for more than four consecutive hours, at night, overtime hours, or during their weekly day off.¹²⁶⁷ In 1997, the MOM issued two decrees restricting the employment of youths in hazardous work.¹²⁶⁸

The MOM is the government agency responsible for enforcing child labor laws.¹²⁶⁹ Despite the development of the CLU and technical assistance from the ILO, U.S. Customs Service, and AOL, a number of obstacles prevent effective enforcement of child labor laws.¹²⁷⁰ In September 2000, the CLU carried out a raid that removed 112 children from work in 17 workshops in Cairo.¹²⁷¹ In previous years, the Ministry of Interior had conducted similar raids.¹²⁷²

Egypt ratified ILO Convention 138 on June 9, 1999, and ratified ILO Convention 182 on May 6, 2002.¹²⁷³

¹²⁶⁵ UN Convention on the Rights of Children, *Consideration of Reports: Egypt*, para. 48.

¹²⁶⁶ U.S. Department of State, *Country Reports- 2001: Egypt*, 2037-39, Section 6d.

¹²⁶⁷ Ibid.

¹²⁶⁸ According to these decrees, children under age 15 are prohibited from work involving furnaces or ovens in bakeries, freezing and refrigeration units, fertilizers, acids, or chemicals; work in cement factories, petroleum and distillation labs, or pressurized gas industries; cotton bailing; work involving bleaching, dyeing, and textile printing; or jobs requiring heavy lifting. Children under age 17 are prohibited from employment in a number of areas, including mining, smelting metals, working with explosives, welding, tanneries, fertilizer industries, or butchering animals. See U.S. Embassy- Cairo, *unclassified telegram no. 6469*.

¹²⁶⁹ Ibid.

¹²⁷⁰ The number of inspectors is too small, the training is less than adequate, visits are often too rare, logistical and administrative support is lacking. Ibid.

¹²⁷¹ Although the children were returned to their parents under the condition that they would not return to work, no action was taken against the employers. U.S. Department of State, *Country Reports- 2001: Egypt*, 2037-39, Section 6d.

¹²⁷² Ibid.

¹²⁷³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.iloex.ilo.ch:1567/english/newratframeE.htm>.

El Salvador

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

The Government of El Salvador has been a member of ILO-IPEC since 1996.¹²⁷⁴ In June 2001, El Salvador became one of the first countries to initiate a comprehensive, national ILO-IPEC Time-Bound Program, funded by USDOL, to eliminate the worst forms of child labor and provide education to vulnerable children. The Time-Bound Program focuses on eliminating exploitative child labor in fireworks production, fishing, sugar cane production, commercial sexual exploitation, and garbage dumps scavenging.¹²⁷⁵ The government has also collaborated with ILO-IPEC on four additional projects funded by USDOL. These projects seek to gather statistical information on children engaged in economic activities,¹²⁷⁶ and withdraw child workers from mangrove clam harvesting, coffee harvesting, and the cottage production of fireworks.¹²⁷⁷ A child labor module, designed by ILO-IPEC's SIMPOC and funded by USDOL, was included in the government's Multiple Purpose Household Survey of 2001.¹²⁷⁸ A National Committee for Child Labor Eradication, under the auspices of the Ministry of Labor and Social Security, provides leadership and guidance to the ILO-IPEC program.¹²⁷⁹ The National Committee has approved a National Plan for the Progressive Elimination of the Worst Forms of Child Labor 2002-2005.¹²⁸⁰ ILO-IPEC has also conducted assessments in the sectors where the worst forms of child labor are a particular

¹²⁷⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 27, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹²⁷⁵ 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, 4-8.

¹²⁷⁶ ILO-IPEC, *Statistical Information and Monitoring Program (SIMPOC)*, project document, CAM/99/05/050, Geneva, September 1999.

¹²⁷⁷ ILO-IPEC, *Combating Child Labor in Shellfish Harvesting in El Salvador*, project document, Geneva, February 1999. See also ILO-IPEC, *Combating Child Labor in the Coffee Industry of Central America*, ELS/99/05/050, Geneva, 1999. See also ILO-IPEC, *Combating Child Labor in the Fireworks Industry in El Salvador*, ELS/00/05/060, Geneva, 1999. The shellfish project ended in May 2001. The coffee and fireworks projects are due to be completed in 2003. This fireworks project began prior to the TBP, however, the national committee deemed fireworks production a worst form of child labor in El Salvador to be addressed by the Time-Bound Program. See Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil en El Salvador: 2001-2004*, 2001. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 3.

¹²⁷⁸ ILO-IPEC, *IPEC Country Profile: El Salvador*, Geneva, [cited December 10, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/timebound/salvador.pdf>.

¹²⁷⁹ Embassy of El Salvador, written communication to USDOL official in response to International Child Labor Program Federal Register notice of September 25, October 25, 2001, 6, 7. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3283*, October 2001.

¹²⁸⁰ Embassy of El Salvador, written communication, October 25, 2001, 8.

problem.¹²⁸¹ Also, with support from other donors, ILO-IPEC is carrying out a project aimed at raising awareness and collecting information on children involved in domestic work in the homes of third parties; a project aimed at reducing child labor in urban market areas; and a regional project to reduce scavenging at garbage dumps.¹²⁸²

The Ministry of Education is working with other ministries in the implementation of the education component of the ILO-IPEC Time-Bound Program and has developed an Education for All plan to increase access to primary education, improve the quality and results of learning, and expand basic education services and training in essential skills for youth.¹²⁸³ From 1994 to 2000, the Government of El Salvador increased its public expenditure on education from 1.9 percent to 3 percent of GDP; increased the number of schools, classrooms, and teachers; expanded early childhood centers; and created a training program for teachers.¹²⁸⁴ The Ministry of Education supports a number of programs aimed at increasing the quality and coverage of education.¹²⁸⁵

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 13.7 percent of children ages 10 to 14 years in El Salvador were working.¹²⁸⁶ In 2001, ILO-IPEC reported that about two-thirds of working children are located in rural areas and are involved in agricultural and related activities.¹²⁸⁷ Children often accompany

¹²⁸¹ ILO-IPEC, *La Explotación Sexual Comercial Infantil y Adolescente: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil Urbano: Una Evaluación Rápida*, Geneva, February 2002. See also ILO-IPEC, *Trabajo Infantil en los Basureros: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil Doméstico: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil en la Pesca: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, Geneva, February 2002. See also ILO-IPEC, *IPEC Country Profile: El Salvador*, 2, 5.

¹²⁸² ILO official, electronic communication to USDOL official, November 14, 2002. This project is in addition to the Time Bound Program.

¹²⁸³ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11-12. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*, June 2000. See also UNESCO, *Education for All 2000 Assessment: Country Reports- El Salvador*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited August 28, 2002]; available from http://www2.unesco.org/wef/countryreports/el_salvador/contents.html.

¹²⁸⁴ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11, 12, 46.

¹²⁸⁵ These programs include: Healthy School Program, The Open-School Program, Centers of Educational Resources, The Quality Management Model, APREMAT, EDUCO, The Accelerated School Program, The Multi Grade School Program, The Distance Learning Program, and a scholarship program. *Ibid.*, 12-13. Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de desarrollo económico y social 2002*, San Salvador, May 2002, 35-39.

¹²⁸⁶ According to the ILO, 94,000 children ages 10 to 14 were working. See ILO, *Yearbook of Labor Statistics- 2001*, Geneva, 2001, [cited December 11, 2002]; available from <http://laborsta.ilo.org/>.

¹²⁸⁷ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 9. See also ILO-IPEC, *IPEC Country Profile: El Salvador*. See also UNICEF, *Trabajo Infante-Juvenil y Educación en El Salvador*, San Salvador, October 1998, 33, 46. ¹²⁸⁸ U.S. Embassy- San Salvador, *unclassified telegram no. 0679*, February 1998. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also ILO-IPEC, *IPEC Country Profile: El Salvador*.

their parents to work in commercial agriculture, particularly during coffee and sugar harvests.¹²⁸⁸ Children from poor families, as well as orphans, work as street vendors¹²⁸⁹ and general laborers in small businesses, primarily in the informal sector.¹²⁹⁰ Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, charcoal production, shellfish harvesting, drug trafficking and garbage scavenging.¹²⁹¹ Some children also work as domestic servants in third party homes.¹²⁹²

There is evidence that some children, especially girls, engage in prostitution.¹²⁹³ El Salvador is both a source and a destination country for girls trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, the United States, and other Central American countries.¹²⁹⁴ Children who live on the streets are also trafficked to other countries, such as Guatemala, and forced into prostitution.¹²⁹⁵ Children from Honduras have been used as beggars to support traffickers in San Salvador.¹²⁹⁶

Education is compulsory through the ninth grade or up to 14 years of age, and public education is free through high school.¹²⁹⁷ In 1998, the gross primary enrollment rate was 111.2 percent, and the net primary enrollment rate was 80.6 percent.¹²⁹⁸ Primary school attendance rates are unavailable for El Salvador. While enrollment rates indicate a level of commitment to education, they do not

¹²⁸⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: El Salvador*, Washington, D.C., March 4, 2002, 2808-12, Section 6d [cited December 11, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8354.htm>. According to a USAID/FUNPADEM study, children as young as 7 years of age can be found working along the streets of San Salvador, for more than 8 hours a day. FUNPADEM, *Situación Actual de Niños, Niñas, y Adolescentes Trabajadores en las Calles de San Salvador*, San José, Costa Rica, 2001.

¹²⁹⁰ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6d.

¹²⁹¹ U.S. Embassy- San Salvador, *unclassified telegram no. 0679*. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also ILO-IPEC, *IPEC Country Profile: El Salvador*. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 6-8.

¹²⁹² ILO-IPEC, *Trabajo Infantil Doméstico: Una Evaluación Rápida*.

¹²⁹³ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-1812, Sections 5 and 6d. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 4. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also U.S. Embassy- San Salvador, *unclassified telegram no. 0679*.

¹²⁹⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: El Salvador*, Washington, D.C., June 5, 2002, 45 [cited December 11, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-12, Sections 5 and 6d.

¹²⁹⁵ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-12, Sections 5 and 6f. See also Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, August 28, 1996, for 1999-2000*, Stockholm, Section 4.1, 48.

¹²⁹⁶ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-12, Sections 5 and 6f.

¹²⁹⁷ *Ibid.*, 2805-08, Section 5.

¹²⁹⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002

always reflect children's participation in school.¹²⁹⁹ The number of children who drop-out or do not enroll in school is higher in rural areas than in urban areas. 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 on rural areas.¹³⁰⁰ Many students in rural areas do not reach the sixth grade due to a lack of financial resources and because many parents withdraw their children from school so that they can work.¹³⁰¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹³⁰² Children between the ages of 12 and 14 can be authorized to perform light work, as long as it does not harm their health and development or interfere with their education.¹³⁰³ Children who are 14 years or older may receive permission from the Ministry of Labor to work, but only when it is necessary for the survival of the child or the child's family.¹³⁰⁴ Children under the age of 18 are prohibited from working at night¹³⁰⁵ or in hazardous and/or morally dangerous conditions.¹³⁰⁶ Forced or compulsory labor is prohibited by the Constitution.¹³⁰⁷

In October 2001, the Legislative Assembly approved Criminal Code reforms that prohibit trafficking in persons.¹³⁰⁸ The Constitution makes military service compulsory between the ages of 18 and 30 years, but voluntary service can occur beginning at age 16.¹³⁰⁹ El Salvador's Penal Code does not criminalize prostitution.¹³¹⁰ However, the Penal Code provides for penalties of two to

¹²⁹⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹³⁰⁰ ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 10.

¹³⁰¹ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-08, Section 5. See also Salvadoran Foundation for Economic and Social Development, *Informe de desarrollo económico y social 2002*, 29. See also UNICEF, *Trabajo Infante-Juvenil y Educación*, 111, 20. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 9, 10.

¹³⁰² Government of El Salvador, *Código de Trabajo*, Article 114. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, section 6d. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3283*.

¹³⁰³ *Código de Trabajo*, Article 114. ¹³⁰⁴ U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6d. ¹³⁰⁵ *Código de Trabajo*, Article 116.

¹³⁰⁶ U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Sections 6d and 6e.

¹³⁰⁷ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6c. ¹³⁰⁸ *Ibid.*, 2808-12, Section 6f.

¹³⁰⁹ Government of El Salvador, *Military Service and Armed Forces Reserve Act*, Articles 2 and 6. See also Government of El Salvador, *1983 Constitution*, Article 215. See also Coalition to Stop the Use of Child Soldiers, "El Salvador," in *Global Report 2000*, London, 2001, [cited December 27, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/0a058d07ab0c24da80256b1d006b6862?OpenDocument>.

¹³¹⁰ U.S. Embassy- San Salvador, *unclassified telegram no. 2731*, August 2000.

four years in prison for the inducement, facilitation, or promotion of prostitution, and the penalty increases if the victim is less than 18 years old.¹³¹¹

The Ministry of Labor is responsible for enforcing child labor laws.¹³¹² Limited resources and the difficulty of monitoring in the informal sector limit the effectiveness of Ministry of Labor enforcement outside of the urban formal sector.¹³¹³

The Government of El Salvador ratified ILO Convention 138 on January 23, 1996 and ILO Convention 182 on October 12, 2000.¹³¹⁴

¹³¹¹ Government of El Salvador, *Código Penal de El Salvador*, Decree no. 1030, Article 169. See also U.S. Embassy-San Salvador, *unclassified telegram no. 2731*.

¹³¹² U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6d.

¹³¹³ *Ibid.*

¹³¹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Equatorial Guinea

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

In May 2000, the Government of Equatorial Guinea requested assistance from the ILO regional office to improve the country's adherence to international labor standards, including those related to child labor.¹³¹⁵ The country also has government-sponsored and private programs to provide education for at-risk children.¹³¹⁶ In September 2002, the government ratified a National Education for All Plan 2002-2015, in which it pledged to give priority to basic and girls' education.¹³¹⁷ The government provides assistance to child victims of trafficking, and is conducting a radio campaign to raise awareness about the minimum age of employment.¹³¹⁸

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 32 percent of children ages 10 to 14 years in Equatorial Guinea were working.¹³¹⁹ Children primarily work on family farms, in street vending¹³²⁰ and in grocery stores.¹³²¹ There is evidence that children engage in prostitution,¹³²² particularly in the capital city.¹³²³ Children are trafficked within the country and from neighboring countries such as Nigeria

¹³¹⁵ The regional ILO representative reported in 2000 that progress was being made on child labor issues in cooperation with the Ministry of Labor. See U.S. Embassy- Yaounde, *unclassified telegram no. 3123*, July 2000.

¹³¹⁶ Ibid.

¹³¹⁷ Integrated Regional Information Networks, "Equatorial Guinea: Basic Education Plan Ratified", IRINnews.org, [online], September 26, 2002 [cited October 2, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=30109>.

¹³¹⁸ U.S. Department of State, *Trafficking in Persons Report- 2002: Equatorial Guinea*, Washington, D.C., June 5, 2002, 46 [cited December 11, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

¹³¹⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹³²⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Equatorial Guinea*, Washington, D.C., March 4, 2002, 234-36, Section 6d [cited August 29, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8367.htm>.

¹³²¹ UN Integrated Regional Information Network, *Equatorial Guinea; Minors Grounded, Prohibited from Working*, Africa News Service, Inc., [online] September 1, 2001 [cited September 3, 2002]; available from <http://www.globalmarch.org/clns/daily-news/september/sep-1-2001.html>.

¹³²² Ibid.

¹³²³ afrol.com, *Child labour increasing in Equatorial Guinea*, [online] November 21, 2001 [cited September 3, 2002]; available from http://www.afrol.com/News/eqg023_child_labour.htm. See also afrol.com, *Prostitution booms in Equatorial Guinea as education sector folds up*, [online] October 12, 2001 [cited September 3, 2002]; available from http://www.afrol.com/News/eqg013_prostitution.htm.

and Benin for bonded labor (including domestic service) in Equatorial Guinea's cities.¹³²⁴ Some children are also trafficked through Equatorial Guinea for domestic labor in Gabon.¹³²⁵

Education is free and compulsory until the age of 14.¹³²⁶ In 1998, the gross primary enrollment rate was 130.8 percent, and the net primary enrollment rate was 82.7 percent.¹³²⁷ Attendance rates are not available for Equatorial Guinea.¹³²⁸ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹³²⁹ Late entry into the school system and high drop-out rates are common, and girls are more likely than boys to drop out of school.¹³³⁰

Child Labor Law and Enforcement

Labor laws set the minimum age for employment at 14 years, but children as young as 13 years can work in light jobs on the condition that these do not affect their health, growth, or school attendance. Children who are 12 years old may work in agriculture or craft making.¹³³¹ Children under 16 years are prohibited from work that might harm their health, safety or morals.¹³³² In 2001, the government passed a measure banning all children under the age of 17 years from being on the streets after 11 p.m. and from working, a measure which the Ministry of the Interior stated was taken to curb growing levels of prostitution, delinquency and alcoholism among young people employed in bars and grocery stores and as street hawkers. The measure calls for the fining of

¹³²⁴ U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*, 46. See also Agence France Presse, *Nigeria to bring child labourers home from Gabon, E. Guinea*, [online] March 29, 2002 [cited September 3, 2002]; available from <http://globalmarch.org/clns/daily-news/march-2002/march-29-2002.htm>.

¹³²⁵ U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*, 46.

¹³²⁶ According to the State Department, this measure is not enforced. See U.S. Department of State, *Country Reports-2001: Equatorial Guinea*, 233-44, Section 5.

¹³²⁷ World Bank, *World Development Indicators 2002*.

¹³²⁸ According to the representative of UNICEF in Equatorial Guinea in 2001, 50 percent of school-age children did not attend primary school. See afrol.com, *Child labour increasing*.

¹³²⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹³³⁰ 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, 25. Pregnancy and the expectation that girls will assist with agricultural work result in lower education attainment levels for girls. See U.S. Department of State, *Country Reports- 2001: Equatorial Guinea*, 233-44, Section 5.

¹³³¹ For a 12-year-old to work, professional organizations of workers and authorities within the Ministry of Labor must be consulted in advance. See U.S. Embassy- Yaounde, *unclassified telegram no. 3123*.

¹³³² *Ibid.*

parents as punishment for violations.¹³³³ Forced or bonded labor by children is prohibited.¹³³⁴ The country has some laws against trafficking of persons but they are rarely employed.¹³³⁵

The Ministry of Labor corps of 50 national labor inspectors enforces labor laws.¹³³⁶ However, the government devotes little attention to the rights of children, and fails to enforce minimum age laws for work or laws mandating education up to the age of eighteen.¹³³⁷

The Government of Equatorial Guinea ratified ILO Convention 138 on June 12, 1985 and ILO Convention 182 on August 13, 2001.¹³³⁸

¹³³³ UN Integrated Regional Information Network, *Equatorial Guinea; Minors Grounded*.

¹³³⁴ U.S. Department of State, *Country Reports- 2001: Equatorial Guinea*, 234-36, Section 6d.

¹³³⁵ U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*, 46.

¹³³⁶ U.S. Embassy- Yaounde, *unclassified telegram no. 3123*.

¹³³⁷ U.S. Department of State, *Country Reports- 2001: Equatorial Guinea*, 233-46, Sections 5 and 6d.

¹³³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Eritrea

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

The Government of Eritrea's Ministry of Labor and Human Welfare (MLHW) is working in cooperation with UNICEF to implement community sensitization activities on children's rights.¹³³⁹ Another MLHW program, designed to prevent and rehabilitate commercial sex workers, includes a component that assists in advocacy for the eradication of commercial sexual exploitation of children, and helps to reintegrate and rehabilitate victims and provide them with self-help opportunities.¹³⁴⁰

The government has also initiated programs to construct new schools in remote villages, increase the number of teachers, and increase the enrollment and retention of girls.¹³⁴¹ UNICEF is promoting access to education in war-affected areas by rehabilitating schools, providing learning materials to displaced children, establishing makeshift classrooms, facilitating school lunch programs, and training teachers.¹³⁴² The government, in conjunction with the World Bank, is implementing a five-year, USD 49 million "Integrated Early Childhood Development Project" designed to improve childhood care and education, address child health issues, and provide support for children in need of special care and protection.¹³⁴³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 38.4 percent of children ages 10 to 14 years in Eritrea were working.¹³⁴⁴ Children work as street vendors, traders, in domestic services, in small-scale manufacturing, and on family farms.¹³⁴⁵ Some children are involved in small-scale gold mining.¹³⁴⁶

¹³³⁹ Coalition to End the Use of Child Soldiers, "Eritrea," in *Global Report 2001*, "Prevention" [cited December 20, 2002]; available from <http://www.globalmarch.org/virtuallibrary/childsoldiers-global-report/child-soldiers/eritrea.doc>.

¹³⁴⁰ Ibid.

¹³⁴¹ Minister of Labour and Human Welfare of the State of Eritrea, H.E. Mrs. Askalu Mekerious, Statement at the United Nations Special Session on Children, May 9, 2002, [cited December 12, 2002]; available from <http://www.un.org/ga/children/eritreaE.htm>.

¹³⁴² UNICEF, *Donor Update: Eritrea*, June 20, 2002.

¹³⁴³ World Bank, *Eritrea: Integrated Early Childhood Development Project*, January 10, 2000, [cited December 12, 2002]; available from <http://www.worldbank.org/children/costs/eritrea.htm>.

¹³⁴⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹³⁴⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Eritrea*, Washington, D.C., March 4, 2002, 248-49, Section 6d [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8370.htm>.

¹³⁴⁶ The Ministry of Labour and Human Welfare, United Nations Children's Fund, and Save the Children (UK), *The Situation of Separated Children in IDP Camps in Eritrea*, July - September 2000, 22 [cited September 24, 2002]; available from [http://www.db.idpproject.org/Sites/idpSurvey.nsf/wViewSingleEnv/717680F5A685BC89C12569F500391EAC/\\$file/SCF-Situation+of+Separated+Chil.pdf](http://www.db.idpproject.org/Sites/idpSurvey.nsf/wViewSingleEnv/717680F5A685BC89C12569F500391EAC/$file/SCF-Situation+of+Separated+Chil.pdf).

Children as young as 12 years of age are reportedly involved in prostitution on the streets of Massawa and Asmara, as well as in hotels and bars.¹³⁴⁷ A 1999 MLHW survey on commercial sex workers revealed that 5 percent of prostitutes surveyed in Eritrea were aged 14 to 17 years.¹³⁴⁸ Eritrean children are reportedly trafficked to Saudi Arabia to work as domestic servants and menial laborers.¹³⁴⁹ In addition, children reportedly fought as soldiers with the Eritrean People's Liberation Front. Insufficient birth registrations make it difficult to verify the ages of recruited soldiers.¹³⁵⁰

Education is free and compulsory through grade seven.¹³⁵¹ In 1998, the gross primary enrollment rate was 53.2 percent; 58.3 percent of boys and 48.1 percent of girls. The net primary enrollment rate was 33.9 percent.¹³⁵² The Ministry of Education estimates that only 37 to 38 percent of children attend school.¹³⁵³

Child Labor Laws and Enforcement

The Transitional Labor Law No. 8/91 sets the minimum age for employment at 18 years, but allows for the employment of apprentices starting at the age of 14 years.¹³⁵⁴ The Labor Proclamation of Eritrea (Proclamation No. 118) provides that no person under the age of 14 may be employed, that young employees may not work between 6 p.m. and 6 a.m., and that young employees may not work more than seven hours per day.¹³⁵⁵ Apprentices under 18 years of age are prohibited from

¹³⁴⁷ Integrated Regional Information Networks, "Eritrea: Sex Case With Military Prosecutor's Office", IRINnews.org, [online], August 29, 2001 [cited November 28, 2001]; available from <http://www.irinnews.org/Report>.

¹³⁴⁸ ECPAT International, *Eritrea*, in ECPAT International, [database online] [cited September 3, 2002], "Child Prostitution"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database.

¹³⁴⁹ U.S. Department of State, *Trafficking in Persons Report- 2002: Saudi Arabia*, Washington, D.C., June 5, 2002, [cited December 12, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>.

¹³⁵⁰ Children as young as age 14 were reportedly used as Eritrean troop reinforcements to counter a May 2000 attack by Ethiopia. At the 1999 African Conference to Stop the Use of Child Soldiers, the Ethiopian Government also circulated a list of Eritrean prisoners of war between ages 15 and 18. Prior to the border conflict in recent years, hundreds of children were used as soldiers ("Red Flags") during the 30-year war for independence. Coalition to End the Use of Child Soldiers, "Eritrea." See also Integrated Regional Information Network, "Ethiopia-Eritrea: End to Use of Child Soldiers Urged", IRINnews.org, July 11, 2000, [cited December 27, 2002]; available from http://www.irinnews.org/report.asp?ReportID=2837&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA-ERITREA.

¹³⁵¹ U.S. Department of State, *Country Reports 2001: Eritrea*, 247-48, Section 5. See also Youth at the United Nations, *Country Profiles on the Situation of Youth: Eritrea*, [cited November 28, 2001]; available from <http://www.esa.un.org/socdev/unyin/countrya.asp?countrycode=er>. See also UNESCO, *Education for All 2000 Assessment: Country Reports-Eritrea*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, September 1999, [cited December 12, 2002]; available from <http://www2.unesco.org/wef/countryreports/eritrea/contents.html>.

¹³⁵² The net primary enrollment rate was 31.4 percent for girls and 36.4 percent for boys. See World Bank, *World Development Indicators 2002*.

¹³⁵³ U.S. Department of State, *Country Reports 2001: Eritrea*, 247-48, Section 5.

¹³⁵⁴ Government of Eritrea, *Transitional Labour Law No. 8/91*, Articles 2, 27, 30, 32, as cited in Veronica Rentmeesters, Information Officer, Embassy of Eritrea, letter to USDOL official, August 23, 1996.

¹³⁵⁵ U.S. Embassy- Asmara, *unclassified telegram no. 1447*, October 2, 2002.

performing dangerous and abusive labor.¹³⁵⁶ Proclamation No. 118 bars children, young workers and apprentices from working in transport industries, including warehouses or docks where heavy lifting, pushing or pulling is required; in jobs involving toxic chemicals, dangerous machines or power generation and transmission; or in underground work, including mines, sewers and tunnels.¹³⁵⁷

The 1996 Constitution prohibits forced labor, but the National Service Proclamation obligates that all citizens complete compulsory service in the national armed forces.¹³⁵⁸ The National Service Proclamation sets the minimum age for military service at 18 years and requires 18 months of duty.¹³⁵⁹ The Penal Code prohibits the procurement, seduction, or trafficking of children under the age of 18, and also bans sexual relations with children under 18 years old.¹³⁶⁰ Labor inspectors in the MLHW are charged with enforcing the child labor laws, but inspections are infrequent due to the small number of inspectors.¹³⁶¹

The Government of Eritrea ratified ILO Convention 138 on February 22, 2000, but has not ratified ILO Convention 182.¹³⁶²

¹³⁵⁶ Ibid.

¹³⁵⁷ Ibid.

¹³⁵⁸ Government of Eritrea, *Constitution of Eritrea, 1996*, [cited September 24, 2002]; available from <http://www.hafash.org/constitution.htm>.

¹³⁵⁹ Government of Eritrea, *National Service Proclamation No. 82/95*, (October 23, 1995), Articles 8, 9 as cited in Global Report 2001: Eritrea.

¹³⁶⁰ Committing indecent acts with a child under age 15 is a criminal offense punishable by five years of imprisonment. Sexual acts with children between ages 15 and 18 are also prohibited, although the penalty is less severe. ECPAT International, *Eritrea*, "Protection".

¹³⁶¹ U.S. Embassy- Asmara, *unclassified telegram no. 1447*. Laws on commercial sexual exploitation are also reported to be poorly enforced and inadequate. See U.S. Department of State, *Country Reports 2001: Eritrea*, 248-49, Section 6d. See also ECPAT International, *Eritrea*, "Protection".

¹³⁶² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Estonia

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

The Government of Estonia was cooperating with governments in the region, including Finland, Russia, Sweden, and Germany, to implement a European Commission anti-trafficking initiative called the STOP-Project in 2002. This project aimed to develop the means to record and exchange information on international trafficking, uncover the organized crime activity surrounding regional trafficking networks, and explore the social consequences of trafficking and organized prostitution.¹³⁶³ The project included a component to prevent the commercial exploitation of children.¹³⁶⁴

In early 2002, a study on children involved in drug trafficking was carried out by ILO-IPEC SIMPOC with funding from USDOL.¹³⁶⁵ In partnership with government agencies, IOM launched a counter-trafficking project aimed at establishing a coordinated system of assistance for trafficking victims from the Baltic Republics.¹³⁶⁶ In cooperation with the Estonian Ministry of Social Affairs, the Nordic Council of Ministers has initiated a large-scale anti-trafficking campaign, focused on prevention, for 2002-2003.¹³⁶⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Estonia are unavailable. A 1999 labor survey indicates that employees aged 16 to 17 make up 0.2 percent of the total labor force, and no exploitation of children has been noted.¹³⁶⁸ In some instances, children peddle goods

¹³⁶³ European Commission Stop-Project, *Building up a Network for Monitoring, Analyzing and Combating Trafficking in Women and Children*, [cited August 30, 2002]; available from <http://www.stakes.fi/sexviolence/stop/>.

¹³⁶⁴ UNICEF, *Estonian National Report on Follow-up to the World Summit for Children, 2000*, [cited August 30, 2002]; available from http://unicef.org/specialsession/how_country/index.htm.

¹³⁶⁵ The study questioned 40 children and 19 young adults (i.e., 18 years and older) who were either currently involved in or had previously been involved in worst forms of child labor. Nelli Kalikove, Aljona Kurbatova, and Ave Talu, *Estonia Children and Adolescents Involved in Drug Use and Trafficking: A Rapid Assessment*, ILO-IPEC, Geneva, June 2002, [cited August 30, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ra/index.htm>.

¹³⁶⁶ The project takes place in Estonia, Latvia and Lithuania, and is partnered with the Ministries of Interior, Border Guards, Departments of Investigating Organized Crime and Ministries of Foreign Affairs. IOM, *Online Project Compendium*, [online] [cited August 29, 2002]; available from <http://www.iom.int/iomwebsite/Project/ServletSerachProject?event+detail&id+FI1Z045>.

¹³⁶⁷ For background information on the Nordic Council's efforts, see Nordic Council and Council of Ministers, *Nordic Gender Equality: Projects*, November 20, 2002 [cited February 5, 2003]; available from <http://www.norden.org/gender/projekt/uk/index.asp?lang=6>. The first seminar of the Nordic and Baltic countries against trafficking in women took place in May 2002. See Nordic Council of Ministers, *First Joint Seminar of the Nordic and Baltic Countries against Trafficking in Women*, [cited February 5, 2003]; available from <http://www.nmr.ee/women/>.

¹³⁶⁸ UNICEF, *Estonian National Report*.

and beg on the streets.¹³⁶⁹ There are reports that children engage in prostitution,¹³⁷⁰ and there have been reports that women and girls are trafficked internally and to Nordic countries and Western Europe.¹³⁷¹ There is also evidence that children are involved in drug trafficking, and there is a connection between drug use and children engaged in prostitution.¹³⁷² In 1999, an estimated 4,000 to 5,000 children were found to be in the streets; this estimate includes children who are deprived of parental care and children evading school. However, the number of children without a home and living in the streets is estimated at 100 to 200.¹³⁷³

The Constitution states that education is compulsory and free for children.¹³⁷⁴ The Education Act of 1992¹³⁷⁵ and the Basic Schools and Upper Secondary Schools Act of 1993 make nine years of basic education compulsory and free for children.¹³⁷⁶ In 1998, the gross primary enrollment rate was 101 percent, and the net primary enrollment rate was 96.2 percent.¹³⁷⁷

¹³⁶⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Estonia*, Washington, D.C., March 4, 2002, 1433-34, Section 6d [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8247.htm>.

¹³⁷⁰ Iris Pettai, "Prostitution and Trafficking Women as Assessed by the Tallinn Police" (paper presented at the Joint seminar of the Nordic and Baltic countries, May 29-31, 2002); available from <http://www.nmr.ee/women/presentations/IirisPettaiIngl.pdf>.

¹³⁷¹ Statistics on the scope of the child sexual exploitation and trafficking problems are not widely available. In 2002, there were reports that girls had been trafficked internally and abroad for purposes of commercial sexual exploitation. See U.S. Department of State, *Trafficking in Persons Report- 2002: Estonia*, Washington, D.C., June 5, 2002, 47 [cited October 8, 2002]; available from <http://www.state.gov/documents/organization/10815.pdf>.

¹³⁷² Nelli Kalikove, Kurbatova, and Talu, *Estonia Children and Adolescents Involved in Drug Use and Trafficking: A Rapid Assessment*, 57.

¹³⁷³ Child homelessness is more problematic in the cities of Tallinn, Tartu, and Narva. See UNICEF, *Estonian National Report*. According to a 2000 report of the European Commission, 170 street children were registered in shelters in Estonia and the number of neglected children in the country is 500-600; more than half of these children reside in Tallinn. See U.S. Department of State official, electronic communication to USDOL official, February 2003.

¹³⁷⁴ *Constitution of the Republic of Estonia*, Article 37 [cited August 30, 2002]; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=0221>.

¹³⁷⁵ UNESCO International Bureau of Education, *World Data on Education*, [online] 2001 [cited August 26, 2002]; available from http://nt5.scbbbs.com/cgi-bin/om_isapi.dll?clientID=406181&infobase=inodoc.nfo&softpage=PL_srchframe.

¹³⁷⁶ Government of Estonia, *Basic Schools and Upper Secondary Schools Act of 1993*, Article 17 [cited August 30, 2002]; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=0221>.

¹³⁷⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In the school year 1999-2000, the primary school attendance rate was 95.3 percent. See U.S. Department of State official, electronic communication.

Child Labor Laws and Enforcement

The Employment Contract Act sets the minimum age for employment at 18 years, although children 15 to 17 years old may work with the consent of a parent or guardian, and children 13 to 15 years old may work with the consent of a parent or guardian and a labor inspector.¹³⁷⁸ Children under 18 years may not perform hazardous or dangerous work.¹³⁷⁹ The Working and Rest Time Act limits the hours that children under 18 years old can work and prohibits overtime or night work.¹³⁸⁰ The Occupational Health and Safety Act gives enforcement responsibilities for labor laws to the Labor Inspector Service.¹³⁸¹ No cases of child labor violations have been submitted to the courts.¹³⁸²

Articles 133 and 134 of the Penal Code, which took effect on September 1, 2002, criminalize trafficking in persons. The code provides for increased penalties if the crime is committed against a person of less than 18 years of age.¹³⁸³ The code provides for fines or imprisonment of up to three years for persons found guilty of disposing or aiding minors to engage in prostitution. The code also provides for fines or imprisonment of up to one year for persons found guilty of using minors in the production, manufacture or distribution of child pornography.¹³⁸⁴ The Ministry of Internal Affairs and the Ministry of Social Affairs are responsible for matters relating to trafficking.¹³⁸⁵ The Constitution prohibits forced or bonded labor, except in the Defense Forces or alternative service, work required in times of natural disasters or catastrophes, or when fulfilling a court sentence.¹³⁸⁶

¹³⁷⁸ These allowances are made only if the work will not endanger the health, morality, or education of the minor. The Employment Contracts Act does not extend to work on a family farm, family enterprise, and household work. See *Republic of Estonia Employment Contract Act of 1992*, Article 2 (1,2) and Article 7 (4) [cited August 30, 2002]; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=0221>.

¹³⁷⁹ Hazardous or dangerous work includes heavy work, work which poses a health hazard or has dangerous working conditions, underground work, or work which endangers the morality of minors. A complete list of work that is prohibited for minors was determined by the government in regulation no. 214 of July 22, 1992. The following work is prohibited: work involving slaughter or destruction and processing of live animals and birds; work related to exploiting and promoting sex, violence, and gambling; and work where a minor is in contact with alcohol, narcotic, toxic, and psychotropic substances. Miko Haljas, Secretary, Embassy of Estonia, letter to USDOL official, November 26, 2001.

¹³⁸⁰ Government of Estonia, *Working and Rest Time Act of January 24, 2001*, Articles 5, 8, 11, 15, 20, 21, and 22 [cited August 30, 2002]; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=0221>.

¹³⁸¹ Government of Estonia, *Occupational Health and Safety Act, 1999*, Article 29 [cited August 30, 2002]; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=0221>. Violations are provided for in the Government of Estonia Criminal Code, para. 135, as cited in ILO, *Review of Annual Reports: The Effective Abolition of Child Labor, Estonia*, GB.277/3/2, Geneva, March 2000, 272.

¹³⁸² U.S. Embassy- Tallinn, *unclassified telegram no. 2353*, September 2000.

¹³⁸³ *Penal Code*, (September 1, 2002); available from [http://www.bclo.ee/Seadused/Penal_Code_\(August%202002\).htm](http://www.bclo.ee/Seadused/Penal_Code_(August%202002).htm).

¹³⁸⁴ *Ibid.*, Articles 175-79.

¹³⁸⁵ Elmar Nurmela- Polva Police Prefect- President of the Union for Child Welfare, "Research, Information and Legislation on Trafficking in Women in the Estonia," in *Trafficking in Women in the Baltic States: Legal Aspects, Research Report: Annex 2*, ed. IOM, 2001.

¹³⁸⁶ *Constitution of the Republic of Estonia*, Article 29.

The Child Protection Act of 1992 is the primary law guiding the protection of children and in all cases, places the child's interests first, and the Ministry of Social Affairs coordinates the protection of children in cooperation with the Ministry of Education, the Police Board and other state agencies.¹³⁸⁷

The Government of Estonia has not ratified ILO Convention 138, but ratified ILO Convention 182 on September 24, 2001.¹³⁸⁸

¹³⁸⁷ UNICEF, *Estonian National Report*.

¹³⁸⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Ethiopia

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

Ethiopia is an associated country of ILO-IPEC.¹³⁸⁹ The Government of Ethiopia participated in a Child Labor Forum initiated by the ILO regional office in Addis Ababa to combat the worst forms of child labor through the creation of an umbrella organization comprised of government ministries, UN agencies, trade unions and employer organizations, embassies, and NGOs.¹³⁹⁰ The Ministry of Labor and Social Affairs (MOLSA) is working with the Ethiopian Central Statistical Authority and ILO-IPEC's SIMPOC to conduct a national household survey on child labor.¹³⁹¹ A SIMPOC study on child domestic workers in Addis Ababa was also conducted and published in 2002.¹³⁹²

In June 2002, Ethiopia was given "Fast Track" status in the World Bank's Education for All Fast Track Initiative.¹³⁹³ UNICEF is helping to implement the government's Education Sector Plan and is supporting programs designed to promote girls' education.¹³⁹⁴ USAID is funding a six-year educational program that focuses on training new teachers and upgrading the quality of existing teachers.¹³⁹⁵ Education receives approximately 15 percent of the government's budget.¹³⁹⁶

¹³⁸⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited November 15, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹³⁹⁰ U.S. Embassy- Addis Ababa, *unclassified telegram no. 1343*, April 2000. See also Embassy of Ethiopia, letter to USDOL official, September 5, 2002.

¹³⁹¹ Dr. Abdulaki Hasen, General Manager of the Ethiopian Central Statistical Authority, interview with USDOL official, August 9, 2000.

¹³⁹² Abiy Kifle, Ph.D, *Ethiopia - Child Domestic Workers in Addis Ababa: A Rapid Assessment*, ILO-IPEC, Geneva, July 2002, [cited September 12, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ethiopia/ra/domestic.pdf>.

¹³⁹³ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, (News Release No: 2002/345/S), [online] June 12, 2002 [cited September 11, 2002]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>. See also Embassy of Ethiopia, *Ethiopia Pleased to Receive Fast-Track Status for New World Bank Education Initiative*, [online] June 12, 2002 [cited September 11, 2002]; available from <http://www.ethiopianembassy.org/pr061202.shtml>.

¹³⁹⁴ UNICEF, *Girls' Education in Ethiopia*, [online] July 24, 2002 [cited July 7, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/cases/ethiopia.htm>.

¹³⁹⁵ USAID, *Ethiopia: Program Data Sheet 663-009*, [online] [cited July 7, 2002]; available from <http://www.usaid.gov/country/afr/et/663-009.html>.

¹³⁹⁶ Embassy of Ethiopia, *Ethiopia Pleased to Receive Fast-Track Status*. See also UN Integrated Regional Information Networks, *Focus on Primary Education*, allAfrica.com, [online] July 30, 2002 [cited September 11, 2002]; available from <http://allafrica.com/stories/200207300147.html>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 41.1 percent of children ages 10 to 14 years in Ethiopia were working.¹³⁹⁷ In urban areas, children work as domestic workers, street peddlers and as employees in private enterprises.¹³⁹⁸ According to a child labor study in rural Ethiopia, 30 percent of the workers on state-owned farms are children 7 to 14 years of age.¹³⁹⁹ Children work on commercial cotton, sugarcane, coffee, and tea farms.¹⁴⁰⁰ In rural areas, children also work on family farms. Household chores may require long hours and excessive physical exertion, and can interfere with school, particularly in the case of girls.¹⁴⁰¹

The commercial sexual exploitation of children is increasing in Ethiopia.¹⁴⁰² Girls as young as 11 years old are recruited by the commercial sex industry to work in brothels, bars and hotels.¹⁴⁰³ Children are trafficked internally in Ethiopia for such purposes as forced labor and commercial sexual exploitation.¹⁴⁰⁴ There are reports that networks of persons working in tourism and trade recruit young Ethiopian girls for overseas work and provide them with counterfeit work permits.¹⁴⁰⁵ There are also reports that Ethiopian girls travel to the Middle East for work as domestic servants, where they are sometimes sexually exploited.¹⁴⁰⁶ Recruitment of children into

¹³⁹⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹³⁹⁸ Children working as domestic servants, most of whom are girls, are victims of physical, emotional and sexual abuse, including rape. ILO/EAMAT, *A Study on Child Labour in an Urban District of Addis Ababa: working paper on child labour no. 2*, ILO/Eastern Africa Multidisciplinary Advisory Team, Addis Ababa, 2000, 3, 6. Street children are reported to live in urban areas and, in particular, Addis Ababa. Some of these children beg or work in the informal sector in order to survive. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Ethiopia*, Washington, D.C., March 4, 2002, 271-75, Section 5 [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8372.htm>.

¹³⁹⁹ U.S. Department of State, *Country Reports- 2001: Ethiopia*, 275-78, Section 6c. On the Bebekka Coffee Farm, an estimated 490 children ranging from ages 7 to 16 were found to be working on the farm. See ILO/EAMAT, *A Study on Child Labour in Rural Ethiopia: working paper no. 1*, ILO/Eastern Africa Multidisciplinary Advisory Team, Addis Ababa, 1999, 4-10. See also Carol Cox, Third Secretary, Political Section, interview with USDOL official, August 7, 2000. See also Girma Abebe, Foreign Service National, U.S. Embassy, interview with USDOL official, August 7, 2000.

¹⁴⁰⁰ Children working on commercial farms are often exposed to environmental toxins that can be detrimental to their health, especially on cotton farms. The cotton farms are located in the *kolla* zone, where children tend to be at a higher risk for malaria, yellow fever and snakebites. See ILO/EAMAT, *Child Labour in Rural Ethiopia: working paper no. 1*, 3-10.

¹⁴⁰¹ Embassy of Ethiopia, *Brief Report on Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, October 2001, 3.

¹⁴⁰² ECPAT International, *Ethiopia*, in ECPAT International, [database online] [cited September 11, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also U.S. Department of State, *Country Reports- 2001: Ethiopia*, 271-75, Section 5.

¹⁴⁰³ U.S. Department of State, *Country Reports- 2001: Ethiopia*, 271-75, Section 5.

¹⁴⁰⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: Ethiopia*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. See also ECPAT International, *Ethiopia*.

¹⁴⁰⁵ U.S. Department of State, *Country Reports- 2001: Ethiopia*, 275-78, Section 6f.

¹⁴⁰⁶ *Ibid.*, 271-75, Section 5.

the armed forces occurred in 1999 during the border conflict with Eritrea. There is no evidence that underage recruitment by the government is continuing,¹⁴⁰⁷ though some children as young as 14 have reportedly joined local militias.¹⁴⁰⁸

Primary education is compulsory and free, but there are not enough schools to accommodate all students.¹⁴⁰⁹ Students in rural areas often have little access to education¹⁴¹⁰ and girls' participation in schools remains much lower than that of boys.¹⁴¹¹ In 1998, the gross primary enrollment rate was 63.8 percent, and the net primary enrollment rate was 35.3 percent.¹⁴¹² Primary school attendance rates are unavailable for Ethiopia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁴¹³

Child Labor Laws and Enforcement

Ethiopia's Labor Proclamation sets the minimum age for employment at 14 years.¹⁴¹⁴ Under the Proclamation, employers are forbidden to employ young workers when the nature of the job or the conditions under which it is carried out may endanger the life or health of the children. Some activities that are prohibited are transporting goods by air, land, or sea; working with electric power generation plants; and performing underground work (e.g., quarrying in mines).¹⁴¹⁵ Children between 14 and 18 years are prohibited from working over seven hours per day; overtime; between the hours of 10 p.m. and 6 a.m.; during weekly rest days; and on public holidays.¹⁴¹⁶ Ethiopia's Penal Code includes provisions specifically prohibiting child trafficking, child prostitution, and

¹⁴⁰⁷ Ibid. See also Coalition to Stop the Use of Child Soldiers, "Ethiopia," in *Global Report 2000*, [cited November 14, 2001]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/142ed7b620e86cb880256b1d006c2efd?OpenDocument>.

¹⁴⁰⁸ U.S. Department of State, *Country Reports- 2001: Ethiopia*, 275-78, Section 5. The Ministry of Defense does not permit individuals under age 18 to enlist in the military, but the policy is difficult to enforce, since an estimated 95 percent of Ethiopians have no birth certificates. Patriotism, a lack of educational opportunities, and widespread poverty also cause underage boys to join the military. See Seife Tadelle, President of Ethiopian Youth League, interview with USDOL official, August 8, 2000. See also Coalition to Stop the Use of Child Soldiers, "Ethiopia."

¹⁴⁰⁹ U.S. Department of State, *Country Reports- 2001: Ethiopia*, 275-78, Section 5.

¹⁴¹⁰ ILO/EAMAT, *Child Labour in Rural Ethiopia: working paper no. 1*, 1. See also UN Integrated Regional Information Networks, *Focus on Primary Education*.

¹⁴¹¹ The net primary enrollment rate in 1998 for boys was 40.8 percent, and 29.8 percent for girls. See World Bank, *World Development Indicators 2002*.

¹⁴¹² Ibid.

¹⁴¹³ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁴¹⁴ *Proclamation No. 42/1993*, Negarit Gazeta of the Transitional Government of Ethiopia, Part Six, Chapter 2, Article 89, 295.

¹⁴¹⁵ Ibid.

¹⁴¹⁶ Ibid., Part Six, Chapter 2, Articles 90, 91, at 295.

bonded child labor.¹⁴¹⁷ The Constitution (Article 36) also stipulates that children are not to be subjected to hazardous work or exploitative practices.¹⁴¹⁸ Enforcement of labor laws regarding children is reportedly weak, due in large part to an insufficient number of labor inspectors.¹⁴¹⁹

The Government of Ethiopia ratified ILO Convention 138 on May 27, 1999, and has not ratified ILO Convention 182.¹⁴²⁰

¹⁴¹⁷ The trafficking of women and children is punishable by imprisonment of up to five years, with fines up to 10,000 birr (USD 1,244). See Tilahun Teshome, Dean of the Faculty of Law, Addis Ababa University, interview with USDOL official, August 10, 2000. For currency conversion see FX Converter, [online] [cited January 30, 2002]; available from <http://www.carosta.de/frames/convert.htm>. ¹⁴¹⁸ Embassy of Ethiopia, *Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, 3.

¹⁴¹⁹ U.S. Embassy- Asmara, *unclassified telegram no. 1447*, October 2002.

¹⁴²⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Fiji

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

The Government of Fiji signed an MOU with the Australian Government for joint action to combat child sexual abuse, including cooperative law enforcement mechanisms, as part of Australia's plan of action against Sexual Exploitation of Children.¹⁴²¹ The Ministry of Education is working with the Save the Children Fund to compile data on school enrollment, attendance, completion and drop-out rates.¹⁴²²

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Fiji are unavailable. Children work on family farms or businesses, in homes as domestic workers, as shoe shiners, or in car repair shops.¹⁴²³ Homeless children also work in the informal sector,¹⁴²⁴ and the number of street children in Suva is reported to be growing.¹⁴²⁵ Children are also lured into the commercial sex industry by both local and foreign adults wishing to profit from the pornography trade.¹⁴²⁶

Primary school education is compulsory for eight years.¹⁴²⁷ In 1998, the gross primary enrollment rate was 112.1 percent, and the net primary enrollment rate was 100.9 percent.¹⁴²⁸ Primary school attendance rates are unavailable for Fiji. While enrollment rates indicate a level of commitment to

¹⁴²¹ Australia Department of Family and Community Services, *Australia's National Plan of Action Against the Commercial Sexual Exploitation of Children*, 2000, [cited November 5, 2002]; available from <http://www.focalpointngo.org/DOCS/English/AustraliaPlanAction.htm>.

¹⁴²² With funding from the Australian Government, the Save the Children Fund is also working in Fiji to improve school facilities and increase school accessibility for disadvantaged children. See U.S. Embassy- Suva, *unclassified telegram no. 0756*, September 2001.

¹⁴²³ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Fiji*, Washington, D.C., March 4, 2002, 956-58, Section 5 [cited July 25, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8308.htm>.

¹⁴²⁴ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Fiji: Report for the World Trade Organization General Council Review of the Trade Policies of Fiji*, April 9-10, 1997, Brussels, 1997, [cited November 5, 2002]; available from <http://www.icftu.org/displaydocument.asp?Index=990916254&Language=EN&Printout=Yes>.

¹⁴²⁵ According to this 1999 report, approximately 200 street children live in Suva. See UN Commission on Human Rights, *Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography; Addendum, Report on the Mission of the Special Rapporteur to the Republic of Fiji on the Issue of Commercial Sexual Exploitation of Children (October 11-16, 1999)*, E/CN.4/2000/73/Add.3, prepared by Ofelia Calcetas-Santos, December 7, 1999.

¹⁴²⁶ Exploitation of children through both prostitution and pornography occurs both by local and foreign abusers. Ibid.

¹⁴²⁷ Ministry of Education, *Report of the Fiji Islands Education Commission/Panel*, 2001, "Conclusion- Directions for Change" [cited November 5, 2002]; available from http://www.fiji.gov.fj/speeches_features/S2000_12/S2000_12_01-02.shtml.

¹⁴²⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

education, they do not always reflect children's participation in school.¹⁴²⁹ In general terms, school attendance is reported to be decreasing due to security concerns, the burden of school fees, and the cost of transportation.¹⁴³⁰

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for employment at 12 years, and establishes that working children between the ages of 12 and 15 years of age are prohibited from harsh conditions, long hours and night work.¹⁴³¹ The Constitution forbids forced labor.¹⁴³² The Penal Code prohibits the sale or hiring of minors under 16 years of age for prostitution.¹⁴³³ There is no enforcement mechanism written into legislation relating to child labor.¹⁴³⁴

The Government of Fiji has not ratified ILO Convention 138, but ratified ILO Convention 182 on April 17, 2002.¹⁴³⁵

¹⁴²⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁴³⁰ U.S. Department of State, *Country Reports- 2001: Fiji*, 956-60.

¹⁴³¹ 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, para. 258.

¹⁴³² *Fiji Constitution*, 1988, Section 24 [cited November 5, 2002]; available from <http://www.oefre.unibe.ch/law.icl.fj00000.html>.

¹⁴³³ *Fiji Islands Penal Code*, Articles 162 and 63 [cited November 13, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Fiji_legislation/Consolidation_1978/Fiji_Penal_Code.html.

¹⁴³⁴ There are only two inspectors at the Ministry of Labor and no investigators to follow up on claims or reports. Inspections are scheduled once a year, although these inspections are not always carried out. The police department has no mandate to stop child labor practices. See U.S. Embassy- Suva, *unclassified telegram no. 0756*.

¹⁴³⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 6, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Gabon

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

Gabon is an associated country of ILO-IPEC.¹⁴³⁶ In 1999, the Government of Gabon and eight other African countries began working with ILO-IPEC on a USDOL-funded project to combat the trafficking of children in West and Central Africa.¹⁴³⁷ In September 2002, Gabon hosted a seminar on child trafficking during which government officials and representatives from NGOs and the EU agreed to coordinate efforts in the fight against child trafficking.¹⁴³⁸ Representatives from the Government of Gabon also attended a January 2002 seminar along with officials from Benin, Burkina Faso, Côte d'Ivoire, Mali, Niger, and several UN agencies and NGOs, to discuss child trafficking and exploitation in West and Central Africa.¹⁴³⁹ In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.¹⁴⁴⁰ In 2000, the Government of Gabon co-hosted a regional conference on trafficking as part of a collaborative effort with UNICEF and the ILO. The government also created an inter-ministerial committee comprised of representatives from the Ministries of Labor, Justice, Foreign Affairs, and Family to address the issue.¹⁴⁴¹

In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Gabon. As part of this strategy, U.S. missions in the region will focus U.S. Government resources to support efforts by host governments to prosecute traffickers, protect and repatriate victims, and prevent new trafficking incidents. The strategy will be implemented through improved coordination among USG donors, greater

¹⁴³⁶ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, October 2002.

¹⁴³⁷ ILO-IPEC, *Phase I: Combating the Trafficking of Children for Labour Exploitation in West and Central Africa*, executive summary, RAF/01/P53/USA, Geneva, July 1999.

¹⁴³⁸ UN Integrated Regional Information Networks, "More Effort Needed" On Child Trafficking, allAfrica.com, [online] September 17, 2002 [cited October 3, 2002]; available from <http://allafrica.com/stories/printable/200209170799.html>.

¹⁴³⁹ Integrated Regional Information Networks, "West and Central Africa: IRIN Focus on Regional Efforts Against Child Trafficking", IRINnews.org, [online], January 21, 2002 [cited December 12, 2002]; available from http://www.irinnews.org/report.asp?ReportID=19693&SelectRegion=West_Africa&SelectCountry=CENTRAL_AFRICA-WEST_AFRICA.

¹⁴⁴⁰ Ibid. During a subsequent meeting on the issue in March 2002, the governments of West and Central Africa, including Gabon, and partner organizations agreed to ratify a regional convention against child trafficking in 2004. The convention will focus on prevention, identification, repatriation and reintegration of child victims of trafficking into their home countries. See Integrated Regional Information Networks, "West and Central Africa: Region to establish child trafficking legislation in 2004", IRINnews.org, [online], March 20, 2002 [cited September 6, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=26560>.

¹⁴⁴¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Gabon*, Washington, D.C., March 4, 2002, 286-88, Section 6f [cited September 6, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8374.htm>.

coordination with international donors, engagement with and funding of regional and international organizations, and direct funding for host government or local NGOs.¹⁴⁴²

In March 2002, the Government of Gabon opened a center that provides shelter along with legal, medical and psychological assistance to trafficking victims.¹⁴⁴³ In November 2001, Gabon, UNICEF and several NGOs announced a campaign to increase awareness about child trafficking and inform victims about rehabilitative services.¹⁴⁴⁴ To assist with these efforts, the government provided free billboard space in major cities for an information campaign on trafficking.¹⁴⁴⁵ UNICEF is also planning to invest USD 15,000 in a joint government-UNICEF program that will help prepare rural Gabonese children for primary school.¹⁴⁴⁶

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14.1 percent of children ages 10 to 14 years in Gabon were working.¹⁴⁴⁷ Children are found working primarily as domestic servants and in the informal sector, which various studies indicate is controlled by foreigners.¹⁴⁴⁸ Children are trafficked into the country from Benin, Togo, Nigeria, Burkina Faso, and Mali for the purposes of labor and sexual exploitation.¹⁴⁴⁹ Children who are purchased in Benin, Togo and Mali for as little as USD 14 may be sold to commercial farms in Gabon and Côte d'Ivoire for up to USD 340.¹⁴⁵⁰

¹⁴⁴² U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 2002.

¹⁴⁴³ U.S. Department of State, *Trafficking in Persons Report- 2002: Gabon*, Washington, D.C., June 5, 2002, 50 [cited August 29, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

¹⁴⁴⁴ UN Integrated Regional Information Networks, *UNICEF and Partners Against Child Trafficking*, allAfrica.com, [online] November 8, 2001 [cited February 25, 2002]; available from <http://allafrica.com/stories/200111080486.html>.

¹⁴⁴⁵ U.S. Department of State, *Trafficking in Persons Report: Gabon*.

¹⁴⁴⁶ UN Wire, *Gabon: U.N. Committee Recommends More Resources for Child Rights*, United Nations Foundation, [online] January 18, 2002 [cited September 6, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=23154.

¹⁴⁴⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁴⁴⁸ ILO, *The effective abolition of child labour*, 2001, 274 [cited December 12, 2002]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>. See also U.S. Embassy- Libreville, *unclassified telegram no. 1540*, November 2001.

¹⁴⁴⁹ UN Integrated Regional Information Networks, *UNICEF and Partners*. See also The Age, *Robbed of youth and lost to a bondage hell*, theage.com.au, [online] April 17, 2001 [cited December 11, 2001]; available from <http://www.theage.com.au/news/2001/04/17/FFX9WJX3LLC.html>. See also Ed O'Loughlin, "Descent into lives of silent servitude: Slavery in the 21st Century: a Herald Investigation," *The Sydney Morning Herald*, June 6, 2001, [cited December 5, 2001]; available from <http://old.smh.com.au/news/0106/06/features/features1.html>.

¹⁴⁵⁰ UN Wire, *Slave Trade: Ship Carrying 250 Children Forced to Return to Benin*, United Nations Foundation, [online] April 12, 2001 [cited September 6, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=14230.

Education is compulsory between the ages of 6 and 16 under the Education Act.¹⁴⁵¹ Schooling is free, but parents must pay for expenses such as books and school supplies.¹⁴⁵² In 1998, the gross primary enrollment rate was 154.1 percent,¹⁴⁵³ and the net primary enrollment rate was 82.6 percent.¹⁴⁵⁴ Primary school attendance rates are unavailable for Gabon. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁴⁵⁵ According to the government, over 40 percent of students drop out before they complete the last year of primary school.¹⁴⁵⁶ Problems in the education system include poor management and planning, lapse oversight, a shortage of teaching material, poorly qualified teachers, overcrowded classes, and a curriculum that is not always relevant to students' needs.¹⁴⁵⁷ Gabon allocates nearly 10 percent of the annual state budget to national education.¹⁴⁵⁸

Child Labor Laws and Enforcement

The Labor Code prohibits children below the age of 16 from working without the express consent of the Ministries of Labor, Education, and Public Health.¹⁴⁵⁹ Section 6 of the Labor Code prohibits employing children in jobs that are unsuitable for them due to their age, state or condition, or that prevent them from receiving compulsory education.¹⁴⁶⁰ Children between 16 and 18 years of age are prohibited from working in industries that necessitate continuous work hours, such as iron, sugar and paper factories. Children under 18 years are prohibited from working at night in industrial establishments, except in family enterprises.¹⁴⁶¹ Procurement of a minor for the

¹⁴⁵¹ United Nations, *Gabon Presents Initial Report to Committee on Rights of Child*, press release, January 17, 2002. See also UNESCO, *UNESCO Statistical Yearbook 1999, National education systems*, UNESCO, [online] [cited August 23, 2002]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹⁴⁵² U.S. Department of State, *Country Reports- 2001: Gabon*, 284-86, Section 5.

¹⁴⁵³ World Bank, *World Development Indicators 2002*.

¹⁴⁵⁴ UNESCO, *EFA 2000 Assessment: Gabon* [CD-ROM], Paris, 2000.

¹⁴⁵⁵ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁴⁵⁶ UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996, Addendum: Gabon*, CRC/C/41/Add.10, prepared by Government of Gabon, pursuant to Article 44 of the Convention on the Rights of the Child, July 13, 2001, para. 214.

¹⁴⁵⁷ In the capital city, Libreville, classes average 100 students in size, and rural classes average about 40 students. Many rural schools are poorly built and lack furniture and educational material. Sixteen percent of school children have only one teacher for all six primary years, and some schools have no teacher at all. See *Ibid.*, para. 217. See also United Nations, *Gabon Presents Initial Report to Committee on Rights of Child*.

¹⁴⁵⁸ UN Committee on the Rights of the Child, *Initial Reports of States Parties, Addendum: Gabon*, para. 213.

¹⁴⁵⁹ U.S. Department of State, *Country Reports- 2001: Gabon*, 286-88, Section 6d.

¹⁴⁶⁰ International Labour Office Governing Body, *Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Part II: Compilation of annual reports by the International Labour Office*, GB.283/3/2, Geneva, March 2002, 344.

¹⁴⁶¹ U.S. Embassy- Libreville, *unclassified telegram no. 1540*.

purposes of prostitution is punishable by imprisonment for two to five years and a fine of 100,000 to 2,000,000 CFA (USD 156 to 3,129).¹⁴⁶²

No laws specifically prohibit trafficking in persons.¹⁴⁶³ However, in August 2001, the Council of Ministers of Gabon adopted a draft Ordinance that makes the trafficking of children punishable by a prison sentence and a fine of between 10 and 20 million CFA (USD 15,646 to 31,292).¹⁴⁶⁴ Pursuant to the Criminal Code, accomplices and instigators are subject to the same penalties as the prime offenders.¹⁴⁶⁵

While the Labor Code is intended to cover all children, in practice it is enforced only in situations involving Gabonese children, and not those who are foreign-born.¹⁴⁶⁶ 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.¹⁴⁶⁷ In 2000, Gabon was reported to have 35 labor investigators, none of whom were explicitly tasked with investigating violations of child labor laws.¹⁴⁶⁸

The Government of Gabon has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 28, 2001.¹⁴⁶⁹

¹⁴⁶² Government of Gabon, *Criminal Code*, Article 261 [cited September 6, 2002]; available from <http://www.protectionproject.org>. For currency conversion, see FX Converter, [online] [cited September 10, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

¹⁴⁶³ U.S. Department of State, *Trafficking in Persons Report: Gabon*, 50.

¹⁴⁶⁴ International Labour Office Governing Body, *Review of annual reports*, 342. FX Converter, at <http://www.carosta.de/frames/convert.htm>. As of the end of 2001, the National Assembly was considering the proposed law. See U.S. Department of State, *Country Reports- 2001: Gabon*, 286-88, Section 6f.

¹⁴⁶⁵ International Labour Office Governing Body, *Review of annual reports*, 342.

¹⁴⁶⁶ U.S. Department of State, *Country Reports- 2001: Gabon*, 286-88, Section 6d.

¹⁴⁶⁷ Ibid.

¹⁴⁶⁸ U.S. Embassy- Libreville, *unclassified telegram no. 1365*, July 2000.

¹⁴⁶⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 6, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

The Gambia

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

The Government of the Gambia began implementing an education initiative in 1998, with USD 15 million in loan support from the World Bank. The project will last until 2005 and is intended to increase the gross enrollment rate to 90 percent, improve educational opportunities for girls, strengthen basic education curricula, and improve teacher training.¹⁴⁷⁰ The government's education efforts are also supported through a joint project with UNICEF which began in February 1999 and will end in 2003.¹⁴⁷¹ Through the 1990s, spending on education increased from 15 to 21 percent of government expenditures, and the share of the education budget devoted to primary education increased from 38 to 45 percent.¹⁴⁷²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 26.9 percent of the children ages 5 to 14 years in the Gambia were working.¹⁴⁷³ Children in rural areas mainly work on family farms and assist with housework; many children in urban areas work as street vendors or taxi and bus assistants.¹⁴⁷⁴ Other sectors where children ages 14 to 17 years are known to work are carpentry, sewing, masonry, plumbing,

¹⁴⁷⁰ The 1998 project is the continuation of an education program that began in 1988 in the Gambia. World Bank, *Project Appraisal Document on a Proposed Credit in the Amount of SDR 15.0 Million to the Republic of the Gambia for a Third Education Sector Project in Support of the First Phase of the Third Education Sector Program*, No. 17903-GM, August 7, 1998, 5. See also World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. See also World Bank, *Education and Health in Sub-Saharan Africa: A Review of Sector-Wide Approaches*, The Gambia Education Case Study, January 2001, Annex 7, 107. A similar program to the one discussed above implemented in February 1999 as a joint project between UNICEF and the government of the Gambia. This project spans 1999-2003 and encompasses identical goals to those already mentioned. For further information, see UNICEF and Government of the Gambia, *Programme of Cooperation 1999-2003*, 31-34 [cited August 22, 2002]; available from <http://www.ungambia.gm/unicef/pdf/mpopart2.pdf>.

¹⁴⁷¹ UNICEF and Government of the Gambia, *Programme of Cooperation 1999-2003*.

¹⁴⁷² Ibid.

¹⁴⁷³ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. UNICEF, *The Gambia Draft Report Multiple Indicator Cluster Survey 2000: Standard Tables for Gambia*, New York, 2000, 64 [cited November 7, 2002]; available from <http://www.childinfo.org/MICS2/newreports/gambia/GAMBIETables.pdf>.

¹⁴⁷⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: The Gambia*, Washington, D.C., March 4, 2002, 301-03, Section 6d [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8377.html>.

tailoring, and mechanics.¹⁴⁷⁵ Some children work in commercial sexual exploitation.¹⁴⁷⁶ Sex tourism is a problem in the Gambia and involves both boys and girls, although its existence is not recognized by the government.¹⁴⁷⁷ Many girls in rural areas leave school to work, and some migrate to urban areas seeking domestic or other employment.¹⁴⁷⁸ A popular media source reported that five foreigners were deported by the police in 2001 for trafficking young girls into the Gambia and employing them as commercial sex workers.¹⁴⁷⁹

The Constitution mandates free and compulsory primary education to 8 years of age, but a lack of resources and educational infrastructure has made implementation difficult.¹⁴⁸⁰ One obstacle to education was removed in 1998 when the President of the Gambia ordered the termination of fees for the first six years of schooling.¹⁴⁸¹ In 1998, the gross primary enrollment rate was 81.4 percent and the net primary enrollment rate was 60.9 percent.¹⁴⁸² Girls make up about 40 percent of primary school students. Enrollment of girls is low in rural areas where cultural factors and poverty dissuade parents from sending girls to school.¹⁴⁸³ Primary school attendance rates are unavailable for the Gambia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁴⁸⁴ Approximately 20 percent of school-age children attend Koranic schools, which usually have a restricted curriculum.¹⁴⁸⁵

¹⁴⁷⁵ U.S. Embassy- Banjul, *unclassified telegram no. 1032*, October 2002.

¹⁴⁷⁶ UNICEF, *Country Profile: UNICEF in The Gambia, Programme Cycle: 1999-2003*, [cited August 22, 2002]; available from <http://www.ungambia.gm/unicef/profile.html>. See also U.S. Department of State, *Country Reports- 2001: The Gambia*, 301-03, Section 6d. See also Saihou Mballow, *Sex Trafficking in the Gambia, West Africa*, ECPAT News, [online] March 2000 [cited August 22, 2002]; available from <http://www.dreamwater.net/ecpatusa/enews1.html>.

¹⁴⁷⁷ ECPAT International, *Gambia*, in ECPAT International, [database online] [cited November 8, 2002], "Child Prostitution"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/Countries.asp?anCountryID=62&CountryProfile=facts,affiliation,humarights&CSEC=Otherwise,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&NationalPlans=National_plans_of_action&orgWorkCSEC=orgworkCSEC&DisplayBy=optDisplayCategory&GetcategoryName=Prostitution.

¹⁴⁷⁸ UNICEF, *Country Profile*.

¹⁴⁷⁹ allAfrica.com, *Banjul Deports Three Foreigners Over Girl Trafficking*, (This Day, Lagos), [online] November 8, 2001 [cited November 28, 2001]; available from <http://www.allafrica.com/stories/20011080033.htm>.

¹⁴⁸⁰ U.S. Department of State, *Country Reports- 2001: The Gambia, 300-01, Section 5*. See also UNICEF and Government of the Gambia, *Programme of Cooperation 1999-2003*.

¹⁴⁸¹ U.S. Department of State, *Country Reports- 2001: The Gambia, 300-01, Section 5*.

¹⁴⁸² The gross primary enrollment rate increased from 63.9 percent in 1990 to 81.4 percent in 1998. World Bank, *World Development Indicators 2002*. However, according to Government of the United Kingdom's Department for International Development (DFID) statistics, in 1999/2000 the gross enrollment rate for primary school was 72 percent and for girls was 47 percent. See also United Kingdom Department for International Development, *The Gambia: The Gambian ICT Distance Education Programme*, [cited August 22, 2002]; available from <http://www.imfundo.org/projects/gambia.htm>.

¹⁴⁸³ U.S. Department of State, *Country Reports- 2001: The Gambia, 300-01, Section 5*.

¹⁴⁸⁴ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁴⁸⁵ U.S. Department of State, *Country Reports- 2001: The Gambia, 300-01, Section 5*.

Child Labor Laws and Enforcement

The Gambia's statutory minimum age for employment is 18 years, but it is reported that in practice, children often begin work at a younger age.¹⁴⁸⁶ The legal framework governing child labor in the Gambia is limited, and there are no laws that restrict the sectors in which children can work.¹⁴⁸⁷ There is no formal mechanism that specifically ensures compliance with child labor standards.¹⁴⁸⁸ Employee labor cards list employee ages with the Labor Commissioner, but enforcement inspections rarely take place.¹⁴⁸⁹ The Criminal Code prohibits procuring a girl under 21 years of age for the purposes of prostitution, either in the Gambia or outside of the country.¹⁴⁹⁰ The Gambia has arrested and deported child traffickers.¹⁴⁹¹

The Government of the Gambia ratified ILO Convention 138 on September 4, 2000 and ILO Convention 182 on July 3, 2001.¹⁴⁹²

¹⁴⁸⁶ Ibid., 301-03, Section 6d.

¹⁴⁸⁷ U.S. Embassy- Banjul, *unclassified telegram no. 1032*.

¹⁴⁸⁸ Ibid.

¹⁴⁸⁹ U.S. Department of State, *Country Reports- 2001: The Gambia*, 301-03, Section 6d.

¹⁴⁹⁰ Government of the Gambia, *Criminal Code, 1964*, Article 129 [cited December 12, 2002]; available from <http://www.protectionproject.org>.

¹⁴⁹¹ Several Nigerians trafficking girls into the Gambia were expelled in November 2001. See allAfrica.com, *Banjul Deports Three Foreigners Over Girl Trafficking*. A tourist was arrested and extradited for having sex with young girls. See Mballow, *Sex Trafficking in the Gambia*.

¹⁴⁹² ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited August 22, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Georgia

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

Georgia is an associated country of ILO-IPEC.¹⁴⁹³ With technical assistance from ILO-IPEC's SIMPOC, the Government of Georgia has conducted a child labor survey and is in the final stages of releasing national estimates on child labor.¹⁴⁹⁴ The UNDP is also working to strengthen the capacity of the State Department of Statistics, in order to conduct a national child labor survey.¹⁴⁹⁵ In February 2000, the President promulgated a general strategy to combat trafficking.¹⁴⁹⁶

With its limited budget, the Ministry of Education is working to improve the country's existing educational institutions, support teacher training, and establish new curricula and education standards.¹⁴⁹⁷ The World Bank recently provided Georgia with a loan for approximately USD 30 million to work toward several of these objectives in the education sector.¹⁴⁹⁸ UNICEF is assisting various government ministries to address children's rights issues, including increasing access to quality pre-primary and basic education.¹⁴⁹⁹ Save the Children-US is also collaborating with UNICEF and local NGOs to promote children's rights, and specifically to assist street children who do not have access to education.¹⁵⁰⁰

¹⁴⁹³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited November 15, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁴⁹⁴ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

¹⁴⁹⁵ United Nations Development Programme, *Technical Assistance to Georgia in the field of Labor Statistics*, project summary, 1999, [cited September 5, 2002]; available from <http://www.undp.org.ge/programme/ongoing/laborchild.pdf>.

¹⁴⁹⁶ U.S. Department of State, *Trafficking in Persons Report- 2002: Georgia*, Washington, D.C., June 5, 2002, 51 [cited September 5, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm#georgia>.

¹⁴⁹⁷ UNESCO, *Education for All 2000 Assessment: Country Reports - Georgia*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999, [cited September 5, 2002]; available from <http://www2.unesco.org/wef/countryreports/georgia/contents.html>.

¹⁴⁹⁸ World Bank, *Education System Realignment and Strengthening Credit Project*, 2001 [cited September 5, 2002]; available from <http://www.worldbank.org/sprojects/Project.asp?pid=P055173>.

¹⁴⁹⁹ UNICEF, *Country Highlights: Georgia*, 2002 [cited September 5, 2002]; available from http://www.unicef.org/programme/countryprog/cee_cis/georgia/situation.htm.

¹⁵⁰⁰ Assistance Georgia, *Child Rights Promotion and Advocacy/Children in Crisis in Georgia*, [cited September 5, 2002]; available from <http://www.assistancegeorgia.org.ge>.

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 30 percent of children ages 5 to 14 years in Georgia were working.¹⁵⁰¹ There is limited information on the specific sectors in which children work. However, there are reports of children as young as 9 years old working on the streets of Tbilisi, in markets and sometimes at night, carrying or loading wares.¹⁵⁰² Children as young as 5 years of age work as beggars.¹⁵⁰³ Other reports indicate that children are trafficked from Georgia to Turkey or Greece for the purposes of prostitution and domestic servitude.¹⁵⁰⁴ Incidents of the commercial sexual exploitation of children, particularly for prostitution and pornography, are reported to be increasing, especially among girls.¹⁵⁰⁵

Education in Georgia is free of charge and compulsory¹⁵⁰⁶ from the age of 6 or 7 until 16 years.¹⁵⁰⁷ In 1998, the gross primary enrollment rate was 95.3 percent.¹⁵⁰⁸ In 2000, the net attendance rate for children ages 6 to 15 in Georgia was 96 percent.¹⁵⁰⁹ Although the Constitution mandates that

¹⁵⁰¹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Government of Georgia, *Multiple Indicator Cluster Survey 2 (MICS2): Georgia*, UNICEF, 1999, [cited September 5, 2002]; available from <http://www.ucw-project.org/resources/index.html>. See also State Department of Statistics - National Center for Disease Control, *Multiple Indicator Cluster Survey (MICS) 1999: Republic of Georgia*, UNICEF, Tbilisi, 2000, [cited September 5, 2002]; available from <http://www.childinfo.org/MICS2/Gj99306k.htm>.

¹⁵⁰² According to government estimates, there are at least 2,000 street children in the capital city, Tbilisi. Georgia NGO Convention on the Rights of the Child Coordinative Council, *Implementation of the Convention on Children's Rights in Georgia: A Report of Non-Governmental Organizations*, Tbilisi, 1999, 26.

¹⁵⁰³ Ibid.

¹⁵⁰⁴ U.S. Department of State, *Trafficking in Persons Report: Georgia*. Trafficking arrangements through Georgia and into Turkey may be facilitated by the visa-free arrangement between the two countries. Dr. Louise I. Shelley, "Statement at Hearing on Sex Trade: Trafficking of Women and Children in Europe and the United States" (paper presented at the Commission on Security and Cooperation in Europe (Helsinki Commission), June 28, 1999). See also International Organization for Migration, "Irregular Migration and Trafficking in Migrants - the Case of Georgia," *Trafficking in Migrants* no. 22 (Autumn 2000). According to the Human Rights Watch 2002 report, trafficking networks that employ children for forced prostitution are suspected to run out of employment and travel agencies. See Human Rights Watch, *Human Rights Watch World Report 2002: Georgia*, 2002 [cited September 5, 2002]; available from <http://hrw.org/wr2k2/europe9.html>.

¹⁵⁰⁵ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Georgia*, Geneva, June 28, 2000, para 66, [cited September 5, 2002]; available from <http://www.unhchr.ch>.

¹⁵⁰⁶ *Constitution of Georgia*, Article 35, [cited November 5, 2002]; available from http://www.parliament.ge/LEGAL_ACTS/CONSTITUTION/consen.html.

¹⁵⁰⁷ UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996, Addendum: Georgia, CRC/C/41/Add.4*, prepared by Government of Georgia, pursuant to Article 44 of the Convention on the Rights of the Child, May 26, 1997.

¹⁵⁰⁸ The net primary enrollment rate is unavailable for Georgia. World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁵⁰⁹ Government of Georgia, *MICS2: Georgia*.

primary education is free,¹⁵¹⁰ related expenses such as books prevent some children from attending.¹⁵¹¹

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 16 years. However, children who are 15 years of age may work in jobs that are not dangerous to their health or development, in some jobs in the performing arts, or with special permission from the local trade union.¹⁵¹² In general, children under 18 years of age may not be hired for unhealthy or underground work, and children between the ages of 16 and 18 years have reduced working hours.¹⁵¹³

The Criminal Code prohibits keeping brothels, procuring women for prostitution, lewd conduct involving minors, and sexual relations with a person under 16.¹⁵¹⁴ Although there are no laws that specifically address trafficking, related offenses can be prosecuted under the Criminal Code.¹⁵¹⁵ These offenses are punishable by a prison sentence of up to three years.¹⁵¹⁶ There is no available information on the enforcement of minimum age laws. There was a recent conviction in a Georgian case involving trafficking in minors.¹⁵¹⁷

The Government of Georgia ratified ILO Convention 138 on September 23, 1996, and ratified ILO Convention 182 on July 24, 2002.¹⁵¹⁸

¹⁵¹⁰ *Constitution of Georgia*, Article 35.

¹⁵¹¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Georgia*, Washington, D.C., March 4, 2002, 1462-65, Section 5 [cited September 5, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8256.htm>.

¹⁵¹² UN Committee on the Rights of the Child, *Initial Reports of States Parties, Addendum: Georgia*, paras. 13, 219 and 20.

¹⁵¹³ *Ibid.*, para 220.

¹⁵¹⁴ *Republic of Georgia Criminal Code*, Article 119 [cited September 5, 2002]; available from <http://www.protectionproject.org>.

¹⁵¹⁵ *Ibid.*, Articles 118, 33, 230. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties, Addendum: Georgia*, paras. 13, 219 and 20.

¹⁵¹⁶ U.S. Department of State, *Country Reports- 2001: Georgia*, 1462-65, Section 5.

¹⁵¹⁷ U.S. Department of State, *Trafficking in Persons Report: Georgia*, 51.

¹⁵¹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Ghana

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

The Government of Ghana became a member of ILO-IPEC in 2000.¹⁵¹⁹ To oversee Ghana's participation in IPEC, the government created a National Steering Committee to address child labor in 2000.¹⁵²⁰ The steering committee is comprised of members representing the government, the Trade Union's Congress, the Ghana Employer's Association, the media, NGOs, and international organizations.¹⁵²¹ The committee's work resulted in the publication of the "National Plan of Action for the Elimination of Child Labor in Ghana 2001-2002."¹⁵²² With technical assistance from ILO-IPEC's SIMPOC and funding from USDOL, the Ghana Statistical Service conducted a national child labor survey in 1999-2000.¹⁵²³ Ghana also participates in a nine-country ILO-IPEC regional project in West and Central Africa, funded by the USDOL, to prevent trafficking in children and rehabilitate trafficking victims.¹⁵²⁴ In October 2001, the Government of Ghana hosted a regional Economic Community of West African States conference on trafficking in persons, and established a national task force on trafficking in March 2002.¹⁵²⁵

In 1997, the government initiated a program to improve basic education.¹⁵²⁶ Between 2.5 and 3 percent of GNP is spent by the Government of Ghana on education, with roughly two-thirds of that amount put toward basic education.¹⁵²⁷

¹⁵¹⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited November 13, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁵²⁰ U.S. Embassy- Accra, *unclassified telegram no. 2657*, October 2002.

¹⁵²¹ Ibid.

¹⁵²² Ibid.

¹⁵²³ ILO-IPEC, *IPEC Highlights 2000*, Geneva, October 2000, 12 [cited September 27, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/publ/imprep99/report2000/draft7.htm>.

¹⁵²⁴ ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (phase 1)*, project document, RAF/01/P53/USA, 5. See also ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC)*, project document, 3.

¹⁵²⁵ U.S. Department of State, *Trafficking in Persons Report- 2002: Ghana*, Washington, D.C., June 5, 2002, 53 [cited December 12, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. See also U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁵²⁶ Association for the Development of Education in Africa, *A Review of "Successful African Experiences: Country-Led Coordination of Aid in Ghana"*, (Newsletter), [online] March 14, 2001 [cited August 26, 2002], Vol. 9, No. 3; available from <http://www.adeanet.org/newsletter/Vol9No3/ghana-eng.html>.

¹⁵²⁷ U.S. Department of State, *Country Report on Human Rights Practices- 2001: Ghana*, Washington, D.C., March 4, 2002, 321-27, Section 5 [cited August 26, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8379.htm>. See also U.S. Embassy- Accra, *unclassified telegram no. 2657*.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12 percent of children ages 10 to 14 years in Ghana were working.¹⁵²⁸ In 2000, the Ghana Ministry of Employment and Social Welfare¹⁵²⁹ estimated that 800,000 children worked nationwide, while 18,000 children were working in Accra, specifically.¹⁵³⁰ Of the national estimate, 70 percent of working children had no formal education whatsoever, and 21 percent had only a primary-level education.¹⁵³¹ Rural-urban migration, caused by economic hardship, has led to significant increases in the school drop-out rate and the numbers of working children.¹⁵³²

The majority of working children are unpaid workers on family farms and in family enterprises.¹⁵³³ Street children in urban centers work as cleaners, waste disposal workers, vendors, beggars, and shoe shiners.¹⁵³⁴ Children as young as 7 years old work as porters, domestic servants, street vendors, rock breakers, farmers, small-scale miners, and in the fishing industry.¹⁵³⁵ Girl children migrate from rural areas to urban centers to serve as *kayayooos*, porters who trade goods carried on head loads.¹⁵³⁶ The fishing industry in Lake Volta has a high number of child laborers who are engaged in potentially hazardous work.¹⁵³⁷

Although the Government of Ghana has outlawed the practice of *trokosi*, reports indicate that there are more than 2,000 girls enslaved by the practice.¹⁵³⁸ *Trokosi* has its origins in indigenous religion

¹⁵²⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁵²⁹ The ministry's name has changed since the publication of these estimates. The Ministry of Employment and Social Welfare is now called The Ministry of Manpower Development and Employment. For reference to this change, see U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁵³⁰ U.S. Department of State, *Country Reports- 2001: Ghana*, 327-32, Section 6d. ¹⁵³¹ Ibid.

¹⁵³² Ibid.

¹⁵³³ Sudharshan Canagarajah and Harold Coulombe, *Child Labor and Schooling in Ghana*, background paper for World Bank Economic and Sector Work, Washington, D.C., 1997, 10.

¹⁵³⁴ ILO, *Child Labour Surveys: Results of Methodological Experiments in Four Countries, 1992-93*, Geneva, 1996, 16 [cited August 26, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/stats/child/surveys.pdf>.

¹⁵³⁵ U.S. Department of State, *Country Reports- 2001: Ghana*, 327-32, Section 6d.

¹⁵³⁶ Seema Agarwal et al., *Bearing the Weight*, Centre for Social Policy Studies, University of Ghana, Legon, May 1997, 1-3. UNICEF operates *Operation End Kayaye* in Ghana. The goal of the project is to remove 2000 *kayayei* girls from cities and return them to their villages, where they will participate in skills training. See ILO-IPEC, *National Programme for the Elimination of Child Labour in Ghana*, technical report No. 7, GHA/9/05/060, Geneva, March 2002, 5.

¹⁵³⁷ U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁵³⁸ Reports on the number of women and girls in the shrines vary. According to other international observers, there are no more than 100 girls serving in the Trokosi shrines in the Volta region. U.S. Department of State, *Country Reports- 2001: Ghana*, 321-27, Section 5.

and involves the pledging of young girls to fetish priests by their families who fear retribution if they fail to make this sacrifice. Young girls often work for the priest for years without compensation and may be sexually abused.¹⁵³⁹

Ghana is also a source, transit, and destination country for trafficked children.¹⁵⁴⁰ The most common forms of internal trafficking involve boys from rural areas who are taken to work in fishing communities in the Volta region or in small mines, and girls trafficked to Accra and Kumasi to work as domestics, porters and assistants to traders.¹⁵⁴¹ Children are also trafficked to neighboring countries to work as laborers, domestics or on farms.¹⁵⁴²

Education is compulsory for children of primary and junior secondary age, which are the equivalent of grades one to nine.¹⁵⁴³ Although schooling is compulsory, attendance is not enforced by the authorities, and parents rarely face penalties if their children do not attend school.¹⁵⁴⁴ Education can also be expensive; families must pay school fees each term, as well as buy textbooks and uniforms.¹⁵⁴⁵ The Government of Ghana is currently working to provide basic education to all children by the year 2005.¹⁵⁴⁶ In 1996, the gross primary enrollment rate was 75 percent.¹⁵⁴⁷ Primary school attendance rates are unavailable for Ghana. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁵⁴⁸

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.¹⁵⁴⁹ The Children's Act prohibits children under 18 from engaging in hazardous labor, including work in mines, quarries, manufacturing, with machinery, at sea, in

¹⁵³⁹ Ibid. See also Obenewa Amponsah, *The Trokosi: Religious Slavery in Ghana*, [online] [cited August 26, 2002]; available from <http://www.anti-slavery.org/global/ghana/>. See also Rachel Levine, *Free the Trokosi!*, Fresh Angles, [online] [cited August 26, 2002]; available from <http://www.freshangles.com/realtime/international/articles/20.html>. See also Nirit Ben-Ari, *Liberating girls from Trokosi*, United Nations, Africa Recovery Online, [online] December 2001 [cited August 26, 2002]; available from <http://www.un.org/ecosocdev/geninfo/afrec/>.

¹⁵⁴⁰ U.S. Department of State, *Country Reports- 2001: Ghana*, 327-32, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Ghana*, 53.

¹⁵⁴¹ U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁵⁴² U.S. Department of State, *Country Reports- 2001: Ghana*, 327-32, Section 6f.

¹⁵⁴³ Ibid., 321-27, Section 5.

¹⁵⁴⁴ Ibid. See also U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁵⁴⁵ U.S. Department of State, *Country Reports- 2001: Ghana*, 321-27, Section 5.

¹⁵⁴⁶ Ibid.

¹⁵⁴⁷ Net primary enrollment rates are unavailable for Ghana. World Bank, *World Development Indicators 2002*.

¹⁵⁴⁸ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁵⁴⁹ 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 at school. See Government of Ghana, *The Children's Act, Act 560, 1998*, Part V, Employment of Children, Sub-Part I, Child labour.

bars, or in any job that involves carrying heavy loads.¹⁵⁵⁰ The legislation allows children aged 15 years and above to work in an apprenticeship if the employer provides a safe and healthy work environment, training, and tools.¹⁵⁵¹ Employers who operate in the formal sector must keep a register with the ages of their employees, and failing to keep this register can result in a fine of 10 million cedis (USD 1,235.27).¹⁵⁵²

The Ministry of Manpower Development and Employment has more than 100 labor inspectors responsible for monitoring companies' labor practices, but the inspectors do not monitor the informal and agricultural sectors.¹⁵⁵³ Law enforcement authorities, including judges, labor officers and police officers, lack adequate resources or training, but there have been some arrests of traffickers.¹⁵⁵⁴ The Government of Ghana is developing a national action plan on trafficking.¹⁵⁵⁵

The Government of Ghana has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 13, 2000.¹⁵⁵⁶

¹⁵⁵⁰ Ibid., Part V, Employment of Children, Sub-Part I, Section 91, Child Labour.

¹⁵⁵¹ U.S. Department of State, *Country Reports- 2001: Ghana*, 327-32, Section 6d.

¹⁵⁵² U.S. Embassy- Accra, *unclassified telegram no. 2657*. For currency conversion, see FX Converter, [online] [cited November 14, 2002]; available from <http://www.oanda.com/convert/classic>.

¹⁵⁵³ U.S. Department of State, *Country Reports- 2001: Ghana*, 327-32, Section 6^d

¹⁵⁵⁴ U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁵⁵⁵ U.S. Department of State, *Trafficking in Persons Report- 2002: Ghana*, 53.

¹⁵⁵⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Grenada

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

From 1999 to 2000, the Government of Grenada collaborated with the Canadian International Development Agency on the Eastern Caribbean Education Reform Project to produce a film about education reform and a brochure to give practical advice to parents who want to assist their children with their school work and literacy skills.¹⁵⁵⁷ The Parliament of Grenada is currently considering legislation that would impose a 2,000 East Caribbean Dollar (USD 749) fine on any person who employs a child of school age during school hours.¹⁵⁵⁸ The government has also prepared its first comprehensive educational development plan, entitled “Strategic Plan for Educational Enhancement and Development,” to be implemented from 2002-2010.¹⁵⁵⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Grenada are unavailable. Child labor is reportedly not a significant problem in Grenada, although some children work informally in the agricultural sector.¹⁵⁶⁰

Education is compulsory in Grenada until the age of 16.¹⁵⁶¹ In 1998, the gross primary enrollment rate was 125.5 percent, while the net primary enrollment rate was 97.5 percent.¹⁵⁶² Despite high enrollment rates, factors such as poverty, poor school facilities, and the periodic need to help with family farm harvests have resulted in approximately a 7 percent absenteeism rate among primary school children.¹⁵⁶³

¹⁵⁵⁷ Government of Canada, *Canadian Cooperation in the Caribbean 2000 Edition: Grenada*, CIDA.gc.com, [online] [cited August 13, 2002]; available from http://www.acdi-cida.gc.ca_ind.nsf.

¹⁵⁵⁸ Reginald Lord, Grenada Ministry of Labour, facsimile communication to USDOL official, August 22, 2002. For currency conversion see FX Converter, [online] [cited November 11, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

¹⁵⁵⁹ Grenadian Voice, *Ten Year Education Plan Finalized*, Grenadianvoice.com, [online] [cited August 14, 2002]; available from <http://www.grenadianvoice.com/archives/040502/local3.htm>.

¹⁵⁶⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Grenada*, Washington, D.C., March 4, 2002, 2815, Section 5 [cited August 9, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8348.htm>.

¹⁵⁶¹ Ibid.

¹⁵⁶² UNESCO: Institute for Statistics, *Education for All: Year 2000 Assessment - A Decade of Education* [CD-ROM], Paris, 2000.

¹⁵⁶³ U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children Act of 1999 sets the minimum age for employment in Grenada at 16 years, with the exception of holiday employment.¹⁵⁶⁴ A person convicted of violating the Act can be subject to a fine of up to USD 10,000, up to three years imprisonment, or both.¹⁵⁶⁵ The Constitution prohibits forced labor and slavery.¹⁵⁶⁶ There are no laws that specifically address trafficking in persons and there were no reports that children were trafficked to, from, within, or through the country.¹⁵⁶⁷ The Ministry of Labor enforces child labor laws in the formal sector through periodic checks; however, enforcement in the informal sector is not stringent.¹⁵⁶⁸ The Government of Grenada has not ratified ILO Convention 138 or ILO Convention 182.¹⁵⁶⁹

¹⁵⁶⁴ Government of Grenada, *Employment of Women, Young Persons and Children Act, 1999*, Article 32, 132 as cited in Adrian Hayes, Grenada Ministry of Legal Affairs, facsimile communication to USDOL official, May 12, 2001.

¹⁵⁶⁵ *Employment of Women, Young Persons and Children Act, 1999*, Article 35 as cited in Hayes, facsimile communication, May 12, 2001.

¹⁵⁶⁶ *Grenada Constitution Order 1973*, No. 2155, (February 7, 1974), Chapter 1, Section 4, 1-2 [cited October 7, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Grenada/gren73eng.html>.

¹⁵⁶⁷ U.S. Department of State, *Country Reports- 2001: Grenada*, 2815-16, Section 6f.

¹⁵⁶⁸ *Ibid.*, 2815-16, Section 6d.

¹⁵⁶⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 8, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Guatemala

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

The Government of Guatemala has been a member of ILO-IPEC since 1996.¹⁵⁷⁰ In 2001, the government implemented the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.¹⁵⁷¹ In addition, the Government of Guatemala set a goal to reduce the number of child workers by 10 percent by the year 2004 in its 2000-2004 agenda for social programs.¹⁵⁷² In July 2001, following a report released by the UN Commission on Human Rights investigating the sale of children, child prostitution and pornography in Guatemala, the Secretariat of Social Welfare published a National Plan of Action focusing specifically on the commercial sexual exploitation of children and adolescents.¹⁵⁷³

ILO-IPEC has focused on national policy activities in four departments, 11 cities, and 40 townships and included child labor in curriculum review and teaching exercises at the national level, as well as in reforms to the Labor Code.¹⁵⁷⁴ Guatemala is participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.¹⁵⁷⁵ The government is also collaborating with ILO-IPEC on several USDOL-funded projects aimed at combating child labor in the fireworks, stone quarrying, coffee (regional project), and broccoli sectors and has completed

¹⁵⁷⁰ ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala (Phase 2)*, technical progress report, no. 1, GUA/01/51P/USA, Geneva, March 2002.

¹⁵⁷¹ The technical commission responsible for the plan was set up following nationwide consultations with various social sectors. The commission reports to the Ministry of Labour and Social Security through its Unit for the Protection of Minors at Work. See UNESCO, *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-Sommission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 5. See also Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001. See also U.S. Embassy- Guatemala City, *unclassified telegram no. 2895*, October 2001.

¹⁵⁷² ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala (Phase 1)*, technical progress report, no. 1, GUA/99/05/P050, Geneva, 2002, 2.

¹⁵⁷³ See UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, Ms. Ofelia Calcetas-Santo, *Addendum, Report on the Mission to Guatemala*, online, E/CN.4/2000/73/Add.227, Geneva, 2000, [cited December 12, 2002]; available from <http://www.hri.ca/fortherecord2000/documentation/commission/e-cn4-2000-73-add2.htm>. See also 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.

¹⁵⁷⁴ UNESCO, *Contemporary Forms of Slavery*, 5.

¹⁵⁷⁵ Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, in Guatemala, this project will target 150 girls in the Mexico/Guatemala border area for direct services, such as education, social services, and health care. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, Geneva, 2002.

work with ILO-IPEC's SIMPOC to collect data on child labor.¹⁵⁷⁶ Also, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.¹⁵⁷⁷ A study of child carpenters in the Chiantla Municipality, Huehuetenango, was conducted in 2000 and 2001.¹⁵⁷⁸ In May 2002, ILO-IPEC completed a Rapid Assessment investigating child labor in garbage dumps in Guatemala City.¹⁵⁷⁹ It is expected that the many projects supported by ILO-IPEC will serve as models for the institutionalization and expansion of programs as part of the State's public policy.¹⁵⁸⁰ The Ministry of Labor, the Unit of the Protection of Minors at Work, UNICEF and ILO-IPEC have joined efforts to empower local leaders to monitor and run action programs.¹⁵⁸¹

The Ministry of Education addresses child labor by providing scholarships to children in need, implementing school feeding programs in rural areas, and administering extra-curricular programs.¹⁵⁸² The Ministry of Education has also implemented a bilingual education project since the 1980s and has tried to reduce the indirect costs of education by providing a bag of school

¹⁵⁷⁶ See the following ILO-IPEC project documents: ILO-IPEC, *Combating Child Labour in the Fireworks Industry in Guatemala*, technical progress report, no. 1, P.99/05P.060.00-04, Geneva, March 2002. This project is nearing completion. ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production, technical progress report*. This project is in its second phase. ILO-IPEC, *Progressive Elimination of Child Labour in the Broccoli Sector*, project document, Geneva, 2002. See also ILO-IPEC, *Child Labour Survey and development of database on child labour in Guatemala*, technical progress report, no. 1, P09574.204.050, Geneva, March 15, 2002.

¹⁵⁷⁷ 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, 10-12.

¹⁵⁷⁸ Graciela Dominguez Luna, *Si son la esperanza del mañana . . . Transformemos su presente*, Programa de Apoyo para la Salud Materno Infantil y para la Salud de Otros Grupos de Riesgo (PAMI), Guatemala City, 2001, 5.

¹⁵⁷⁹ Fernando Garcia Vilma Duque, *Trabajo Infantil en los Basureros: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, [cited December 12, 2002]; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/ra/basuras.pdf>.

¹⁵⁸⁰ UNESCO, *Contemporary Forms of Slavery*, 5.

¹⁵⁸¹ *Ibid.*, 6.

¹⁵⁸² Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 19. See also Government of Guatemala, *Constitution*, (May 31, 1985), Article 74 [cited October 4, 2002]; available from <http://right-to-education.org/content/consuarant/guatemala.html>. Extra-curricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms. See Nery Macz and Demetrio Cojti, Guatemalan Ministry of Education, interview with USDOL official, August 16, 2000. See also *Constitution*, 1985, Article 74.

supplies to all children in primary school and eliminating their matriculation fees.¹⁵⁸³ USAID, the Work Bank and UNICEF also support primary education in Guatemala.¹⁵⁸⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14.2 percent of children ages 10 to 14 years in Guatemala were working.¹⁵⁸⁵ In December 2000, the United Nations Mission for the Verification of Human Rights in Guatemala found that 34 percent of children between the ages of 7 and 14 were working.¹⁵⁸⁶ A 2001 government report found that three out of four working children in Guatemala are employed in rural areas and labor force participation rates of children are highest in areas with a large indigenous population.¹⁵⁸⁷ Children work on family farms and help harvest commercial crops such as coffee, sugarcane and broccoli.¹⁵⁸⁸ Children are also employed as domestic servants, shoeshine boys, beggars, street performers, construction workers, and in the fireworks industry, family businesses, stone quarries, and the trafficking and production of drugs.¹⁵⁸⁹

¹⁵⁸³ Macz and Cojti, interview, August 16, 2000.

¹⁵⁸⁴ USAID works with the government to improve education access and services to rural children. See USAID, *Guatemala - Overview*, [online] May 29, 2002 [cited August 8, 2002]; available from <http://www.usaid.gov/country/lac/gt/>. USAID signed a four-year cooperative agreement with World Learning to implement the Access to Intercultural Bilingual Education (AIBE) Project in Guatemala in cooperation with the Guatemalan Ministry of Education and national NGOs. See World Learning, *Projects in International Development and Training: Access to Intercultural Bilingual Education*, World Learning, [online] April 4, 2002 [cited October 21, 2002]; available from <http://www.worldlearning.org/pidt/aibe.html>. The World Bank has focused efforts on expanding enrollment in rural areas and among girls, improving the quality of education (specifically bilingual education) and strengthening educational institutions. See World Bank, *Basic Education Reform Project: Project Data*, [online] September 23, 2002 [cited September 25, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P048652>. The Government of Norway has provided funding to UNICEF to help make education available to working children in 81 communities and offer bilingual materials discussing the negative aspects of child labor as well as educate teachers on how to handle protection issues. See UNWire, *Child Labor: UNICEF Announces Education Program*, United Nations Foundation, [online] September 6, 1999 [cited December 12, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=4652.

¹⁵⁸⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁵⁸⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Guatemala*, Washington, D.C., March 4, 2002, 2848-56, Section 6d [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8344.htm>.

¹⁵⁸⁷ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 5-6.

¹⁵⁸⁸ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d. See also ILO-IPEC, *Progressive Elimination of Child Labour in the Broccoli Sector*.

¹⁵⁸⁹ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d. See also ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Part II Compilation of annual reports by the International Labour Office, Geneva, March 2002, 364.

UNICEF estimates that nearly 10,000 children currently live on the streets. These children are particularly vulnerable to sexual exploitation.¹⁵⁹⁰ Children in Guatemala tend to be drawn into trafficking for purposes of prostitution along the country's borders.¹⁵⁹¹ Guatemala is also a country of destination and transit for trafficked children.¹⁵⁹² Trafficked children come from El Salvador, Honduras, Mexico, Nicaragua and Ecuador.¹⁵⁹³

Education is free and compulsory in Guatemala for six years.¹⁵⁹⁴ In 1998, the gross primary enrollment rate was 82.7 percent and the net primary enrollment rate was 101.9 percent.¹⁵⁹⁵ Primary school attendance rates are unavailable for Guatemala. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁵⁹⁶ Only 30 percent of students who begin primary school in Guatemala complete the full course of primary education. Children who do not attend school are concentrated in rural areas, and a disproportionate number of them are indigenous girls.¹⁵⁹⁷

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁵⁹⁸ In some exceptional cases, the Labor Inspection Agency can provide work permits to children under the age of 14, provided that the work is related to an apprenticeship, is light work of short duration and intensity, is necessary due to conditions of extreme poverty within the child's family, and enables the child to

¹⁵⁹⁰ Casa Alianza estimates that about 15,000 sexually exploited children (mainly girls) are living in Guatemala. See UNWire, *Guatemala: Church Office Warns Of Worsening Situation For Children*, United Nations Foundation, [online] May 22, 2002, [cited December 27, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=26567. See also UNWire, *Latin America: U.S. Uncovers Mammoth Child Smuggling Ring; More*, United Nations Foundation, [online] August 13, 2002, [cited December 27, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=28293.

¹⁵⁹¹ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6f.

¹⁵⁹² Protection Project, "Guatemala," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 29, 2002]; available from <http://209.190.246.239/ver2/cr/Guatemala.pdf>. See also U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6f.

¹⁵⁹³ UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*. See also Protection Project, "Guatemala."

¹⁵⁹⁴ Free and compulsory primary education is restricted to citizens and residents of Guatemala. See UN Commission on Human Rights, *Annual Report the Special Rapporteur, Katarina Tomasevski, on the Right to Education*, submitted in accordance with Commission on Human Rights Resolution 2000/9, E/CN.4/2001/52, Geneva, 2001, [cited December 12, 2002]; available from <http://www.right-to-education.org/content/unreports/unreport5prt1.html>. See also *Constitution, 1985*, Article 74.

¹⁵⁹⁵ World Bank, *World Development Indicators 2002*.

¹⁵⁹⁶ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁵⁹⁷ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2842-48, Section 5.

¹⁵⁹⁸ *Código de Trabajo de la República de Guatemala, 1996*, 53, Article 148 and Article 2, footnote 8.

meet compulsory education requirements in some way.¹⁵⁹⁹ Children are prohibited from working at night, overtime and in places that are unsafe and dangerous. Children may not work in bars or in other establishments where alcoholic beverages are served.¹⁶⁰⁰ Due to the ineffectiveness of labor inspection and labor court systems, labor laws governing the employment of minors are not well enforced.¹⁶⁰¹

Article 188 of the Penal Code prohibits child pornography and prostitution.¹⁶⁰² Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if victims under 12 years old are involved.¹⁶⁰³ Trafficking in persons is defined as promoting, facilitating, or fostering the transportation of an individual to or from Guatemala to engage in prostitution. Trafficking is punishable by imprisonment of one to three years and a fine.¹⁶⁰⁴ Although no laws specifically prohibit bonded labor by children, the Constitution prohibits forced or compulsory labor.¹⁶⁰⁵ Due to insufficient resources and corruption, borders tend to be inadequately monitored and trafficking laws are rarely enforced.¹⁶⁰⁶

The Government of Guatemala ratified ILO Convention 138 on April 23, 1990 and ILO Convention 182 on October 11, 2001.¹⁶⁰⁷

¹⁵⁹⁹ Ibid., 53, Article 150. In 2000, the Ministry of Labor granted 1,012 work permits to children under the age of 14. See Ministry of Labor figures as cited in U.S. Department of State official, electronic communication with U.S. DOL official, January 23, 2003.

¹⁶⁰⁰ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d. See also *Código de Trabajo*, 1996, 53, Article 148.

¹⁶⁰¹ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d.

¹⁶⁰² U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*, August 2000.

¹⁶⁰³ Ibid. See also Protection Project, "Guatemala."

¹⁶⁰⁴ U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*. See also Protection Project, "Guatemala."

¹⁶⁰⁵ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-956, Section 6d.

¹⁶⁰⁶ U.S. Department of State, *Trafficking in Persons Report- 2001: Guatemala*, Washington, D.C., July 2001, [cited December 12, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3928.htm>. See also U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6f.

¹⁶⁰⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] 2002 [cited August 29, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Guinea

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

In 1997, the Government of Guinea held a workshop to raise awareness about child labor, and with the help of the ILO and UNICEF, established a Child Labor Steering Committee chaired by the Ministry of Social Affairs and the Promotion of Women and Children (MSAPWC). Following the workshop, UNICEF financed an information consolidation project to collect all existing information on child labor,¹⁶⁰⁸ and afterwards, a synthesis document detailing the existing information was published in 1998. Since the border conflicts in 2000, however, the steering committee's regular meetings have come to a halt, and the government's budget priorities have shifted more heavily toward national defense.¹⁶⁰⁹ With the exception of a few government-supported sensitization programs, such as the MSAPWC children's rights campaign with UNICEF, most current child labor initiatives are implemented by NGOs independent of government support.¹⁶¹⁰ The government admittedly lacks the capacity to take progressive steps to combat child labor,¹⁶¹¹ and in 2002, the Ministry of Social Affairs requested technical assistance from ILO-IPEC to address the problem.¹⁶¹²

In 1990, the Government of Guinea initiated the Education Sector Adjustment Program to improve the quality of the education system.¹⁶¹³ The reform program is ongoing, and the government is continuing to commit funds for teacher training, school construction and the provision of books and materials.¹⁶¹⁴ UNICEF and USAID are working with the government to implement youth programs and education initiatives. UNICEF is promoting youth participation in regional education conferences, as well as working to provide refugee children and other war-affected youth with access to education.¹⁶¹⁵ USAID is assisting the Ministry of Education to implement its primary

¹⁶⁰⁸ Ibrahim Yansane and Silvia Pasti, UNICEF-Guinea officials, interview with USDOL official, August 13, 2002.

¹⁶⁰⁹ Ibid. See also Aliou Barry, *Travail des Enfants en Guinée: Synthèse des données disponibles et constats de terrain*, STAT-VIEW Association, Conakry, January 1998.

¹⁶¹⁰ Bafode Keita and Camara Sarang Seck, Ministry of Social Affairs and the Promotion of Women and Children, interview with USDOL official, August 13, 2002. See also Yansane and Pasti, interview, August 13, 2002. See also U.S. Embassy- Conakry, *unclassified telegram no. 2368*, 2001.

¹⁶¹¹ Keita and Seck, interview, August 13, 2002.

¹⁶¹² Bruce Mariama Aribot, Ministry of Social Affairs and the Promotion of Women and Children, letter to the Geneva Director of ILO-IPEC, 2002.

¹⁶¹³ UNESCO, *Education for All 2000 Assessment: Country Reports - Guinea*, prepared by Ministry of Pre-University Level Teaching and Civil Education, pursuant to UN General Assembly Resolution 52/84, 2000, [cited December 27, 2002]; available from <http://www2.unesco.org/wef/countryreports/guinea/contents.html#cont>.

¹⁶¹⁴ U.S. Embassy- Conakry, *unclassified telegram no. 2368*. See also Mohamed Fofana, USAID, Natural Resources Management, interview with USDOL official, August 12, 2002.

¹⁶¹⁵ Yansane and Pasti, interview, August 13, 2002. See also UNICEF, *Donor Update: Guinea, May 29, 2002*, [cited September 3, 2002]; available from <http://www.unicef.org/emerg/Country/Guinea/020529.PDF>.

education reforms.¹⁶¹⁶ In addition, in 2001, the World Bank began implementing a USD 70 million loan program to assist the government's education reform efforts.¹⁶¹⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 31.1 percent of children ages 10 to 14 years in Guinea were working.¹⁶¹⁸ Children begin working beside their parents at a young age, often at 5 years in rural areas.¹⁶¹⁹ The majority of working children are found in the domestic or informal sectors, carrying out activities such as subsistence farming, petty commerce, fishing, and small-scale mining.¹⁶²⁰ Children also work in gold and diamond mines, granite and sand quarries, and as apprentices to mechanics, electricians, and plumbers, among others professions.¹⁶²¹

There is no statistical data available on the number of street children in Guinea, although children work in the streets selling cheap goods for traders, carrying baggage or shining shoes.¹⁶²²

Commercial sexual exploitation of children occurs and is on the rise.¹⁶²³ While there have been scattered reports of trafficking in children, there is no available information on the extent of the problem. In 2000, UNICEF reported incidents of trafficking among refugee populations in four prefectures in Guinea's forest region.¹⁶²⁴ In July 2000, 33 young Nigerian girls destined for Europe were released to the Nigerian Embassy by Guinean officials.¹⁶²⁵ Furthermore, internal

¹⁶¹⁶ USAID projects include an Interactive Radio Program that offers teacher training in rural areas; a Community Participation Program; and a Girls' Education Program effort to boost female enrollment rates. See Fofana, USAID interview, August 12, 2002. See also USAID, *Education*, [cited September 3, 2002]; available from <http://www.usaid.gov/gn/education/background/index.htm>.

¹⁶¹⁷ World Bank, *Education for All Projects*, [online] 2002 [cited July 31, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050046>.

¹⁶¹⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1997, the Ministry of Planning estimated that about 48 percent of children under the age of 15 were working. These children account for nearly 20 percent of the total working population and 26 percent of all agricultural workers. The Ministry of Planning estimates also suggested that child labor is much more prevalent in rural than urban areas. The Ministry estimated that in rural areas, approximately 66 percent of children ages 7 to 14 and 91 percent ages 15 to 19 were working. In urban areas, the numbers were approximately 19 percent and 50 percent, respectively. U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Guinea*, Washington, D.C., March 4, 2002, 345-49, [cited September 3, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8383.htm>.

¹⁶¹⁹ UNICEF, *Situation Des Enfants et Des Femmes, Programme De Cooperation 2002-2006, Republique de Guinee*, Conakry, 2000, 35.

¹⁶²⁰ U.S. Embassy- Conakry, *unclassified telegram no. 1857*, 1998. See also UNICEF, *Situation Des Enfants et Des Femmes*, 83-84.

¹⁶²¹ UNICEF, *Situation Des Enfants et Des Femmes*, 84.

¹⁶²² U.S. Embassy- Conakry, *unclassified telegram no. 2368*. See also UN Committee on the Rights of the Child, *Initial Reports Awaited from States Parties for 1992*, CRC/C/3/Add.48, prepared by Government of Guinea, pursuant to Article 44 of the Convention on the Rights of the Child, November 20, 1996, para. 116-17.

¹⁶²³ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Guinea*, para. 131. See also UNICEF, *Situation Des Enfants et Des Femmes*, 84-85.

¹⁶²⁴ UNICEF, *Situation Des Enfants et Des Femmes*, 85.

¹⁶²⁵ U.S. Department of State, *Country Reports- 2001: Guinea*, 347-49, Section 6f.

trafficking occurs from rural to urban areas.¹⁶²⁶ Children may also have worked as volunteer soldiers during the recent border attacks, but the reports cannot be fully corroborated.¹⁶²⁷

Public education is free¹⁶²⁸ and compulsory for six years, from the age of 7 to 13 years.¹⁶²⁹ In 1998, the gross primary enrollment rate was 58.9 percent, and the net primary enrollment rate was 45.7 percent.¹⁶³⁰ Enrollment remains substantially lower among girls than boys. In 1998, the gross primary enrollment rate was 45.5 percent for girls, compared to 71.9 percent for boys.¹⁶³¹ In 1999, primary school attendance was 40 percent.¹⁶³² Children, particularly girls, may not attend school or drop-out in order to assist their parents with domestic work or agriculture,¹⁶³³ and in general, enrollment rates are lower in rural areas.¹⁶³⁴ Government resources for education are limited; there are not enough school facilities to adequately serve the population of school-age children, and the availability of school supplies and equipment is poor.¹⁶³⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years, although children under the age of 16 can work with an authority's consent.¹⁶³⁶ Based on the Labor Code, apprentices may begin to work at 14 years of age. Workers under the age of 18 are not permitted to work at night or work more than 10 consecutive hours.¹⁶³⁷ The Labor Code also prohibits forced or bonded labor and

¹⁶²⁶ U.S. Embassy- Conakry, *unclassified telegram no. 2368*.

¹⁶²⁷ The volunteers were self-organized groups formed by villagers to combat border insurgencies. Although the groups were not officially part of the Guinean military, the army provided guns. Multiple sources stated that children were most likely involved. See Yansane and Pasti, interview, August 13, 2002. See also Guinean Human Rights Organization, interview with USDOL official, August 12, 2002. See also U.S. Embassy- Conakry, *unclassified telegram no. 2704*, 2001.

¹⁶²⁸ Republic of Guinea, *Rapport relatif au principe de l'abolition effective du travail des enfants*, Conakry, September 4-8, 2000, 3.

¹⁶²⁹ UNESCO, *National Education Systems - Guinea*, [cited October 11, 2002]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹⁶³⁰ World Bank, *World Development Indicators 2002*.

¹⁶³¹ Ibid.

¹⁶³² Ministry of Pre-University Level Teaching and Civil Education, *Schooling in Guinea, Findings from the GDHS-2 1999*, Conakry, Guinea, January 17, 2001, 17.

¹⁶³³ UNICEF, *Situation Des Enfants et Des Femmes*, 70. See also Guinean Teacher's Union (SLECG/FSPE), interview with USDOL official, August 12, 2002.

¹⁶³⁴ Fofana, USAID interview, August 12, 2002.

¹⁶³⁵ 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 Guinean Teacher's Union (SLECG/FSPE), interview, August 12, 2002.

¹⁶³⁶ *Code du Travail de la Republique de Guinee*, 1988, Article 5.

¹⁶³⁷ The penalty for an infraction of the law is a fine of 30,000 to 600,000 GFN (USD 16 to 314). See Ibid., Articles 31 and 145, 48. For currency conversion see FX Converter, [online] [cited November 12, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

hazardous work by children under 18 years.¹⁶³⁸ Guinea=s Penal Code prohibits trafficking of persons, the exploitation of vulnerable persons for unpaid or underpaid labor,¹⁶³⁹ and procurement or solicitation for the purposes of prostitution.¹⁶⁴⁰ The official age for voluntary recruitment or conscription into the armed forces is 18 years.¹⁶⁴¹

The government has acknowledged that the implementation and enforcement of labor legislation remains weak.¹⁶⁴² The Labor Inspectorate within the Ministry of Labor has one inspector and several assistants in each prefecture to enforce relevant legislation; however, no cases of child labor were reported from January to August 2002.¹⁶⁴³ According to the Labor Code, punishment for infractions of child labor laws range from a fine of up to 800,000 GNF (USD 420) to imprisonment of no more than two months.¹⁶⁴⁴ The penalty for trafficking is 5 to 10 years of imprisonment.¹⁶⁴⁵

The Government of Guinea has not ratified ILO Convention 138 or ILO Convention 182.¹⁶⁴⁶

¹⁶³⁸ Section 187 of the Labor Code prohibits hazardous work, defined as any work likely to endanger the health, safety, or morals of children. The Ministry of Labor determines the exact jobs that are considered hazardous. See *Code du Travail*, 1988, Articles 2, 186 and 87, 205.

¹⁶³⁹ U.S. Embassy- Conakry, *unclassified telegram no. 2368*.

¹⁶⁴⁰ Government of the Republic of Guinea, *Penal Code*, Article 289, as cited in Protection Project [cited September 4, 2002]; available from <http://www.protectionproject.org>.

¹⁶⁴¹ U.S. Embassy- Conakry, *unclassified telegram no. 2704*. See also Coalition to Stop the Use of Child Soldiers, "Guinea," in *Global Report 2001*, 2001, Articles 288 and 89 [cited September 4, 2002]; available from http://www.child-soldiers.org/report2001/global_report_contents.html.

¹⁶⁴² UN Committee on the Rights of the Child, *Initial Reports of States Parties: Guinea*, para. 119.

¹⁶⁴³ Bengaly Camara, Deputy Inspector of Labor, Inspecteur-Generale du Travail, interview with USDOL official, August 12, 2002.

¹⁶⁴⁴ *Code du Travail*, 1988, Article 205. For currency conversion see FX Converter, at <http://www.carosta.de/frames/convert.htm>, [cited October 10, 2002].

¹⁶⁴⁵ U.S. Embassy- Conakry, *unclassified telegram no. 2368*.

¹⁶⁴⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 4, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Guinea-Bissau

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

The Government of Guinea-Bissau has noted that child labor occurs and is harmful to the development of those involved, but states that it lacks the resources or mechanisms to adequately address the problem.¹⁶⁴⁷ Small-scale child labor initiatives that focus on literacy, education alternatives and technical training are being implemented by NGOs.¹⁶⁴⁸

The government is implementing a basic education project, called “FIRKIDJA,” which is designed to improve both access to schools and the quality of education, promote girls’ schooling, and strengthen educational management.¹⁶⁴⁹ The World Bank is one of the organizations assisting the Ministry of Education to achieve these goals through a USD 14.3 million Basic Education Support loan project.¹⁶⁵⁰ In addition, UNICEF is supporting the government with a program focusing on promoting female literacy and girls’ access to education in one targeted region of the country.¹⁶⁵¹

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 65.4 percent of children ages 5 to 14 years in Guinea-Bissau were working.¹⁶⁵² Children work in street trading, farming, and domestic labor.¹⁶⁵³ According to the

¹⁶⁴⁷ 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. 139-42.

¹⁶⁴⁸ *Ibid.*, para. 252.

¹⁶⁴⁹ *Ibid.*, para. 29.

¹⁶⁵⁰ World Bank, *Basic Education Support Project*, *World Bank Project Data*, [cited August 28, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P001015>.

¹⁶⁵¹ UNICEF, *Girls’ Education in Guinea Bissau*, [cited August 28, 2002]; available from http://www.unicef.org/programme/girlseducation/action/cases/guinea_bissau.htm.

¹⁶⁵² In the 2000 study, children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of house-keeping chores in the household, or who have performed other family work. It was estimated that 5.1 percent of children ages 5 to 14 engage in paid work; 9.7 percent participate in unpaid work for someone other than a household member; and, overall, 65.4 percent of children are working in some capacity. Government of Guinea-Bissau, *Multiple Indicator Cluster Survey (MICS): Guinea-Bissau*, UNICEF, December 2000, [cited August 28, 2002]; available from www.childinfo.org/MICS2/newreports/guineabissau/guineabissau.PDF. See also Government of Guinea-Bissau, *Multiple Indicator Cluster Survey (MICS) 2: Guinea Bissau*, UNICEF, 2000, [cited August 28, 2002]; available from <http://www.ucw-project.org/resources/index.html>.

¹⁶⁵³ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Guinea-Bissau*, Washington, D.C., March 4, 2002, 355-57 [cited August 28, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8385.htm>.

government, the number of children working in the informal sector – often in difficult or dangerous conditions – is increasing considerably.¹⁶⁵⁴ In addition, commercial sexual exploitation of children occurs, but the extent of the problem is unknown.¹⁶⁵⁵ Children were reported to be involved in the recent civil war in Guinea-Bissau.¹⁶⁵⁶

Education is compulsory from the age of 7 to 13 years.¹⁶⁵⁷ In 1998, the gross primary enrollment rate was 53.5 percent, with a higher enrollment rate for males (67.7 percent) compared to females (40 percent).¹⁶⁵⁸ The number of classrooms and schools is insufficient, particularly in rural areas where the majority of the population resides. According to UNICEF, 25 percent of rural schools offer only two grades, and 50 percent offer only four grades.¹⁶⁵⁹ Girls face additional challenges to receiving an education, as they are often kept home to assist with domestic work, encouraged to marry at an early age,¹⁶⁶⁰ and banned from schools when pregnant.¹⁶⁶¹

Guinea-Bissau is continuing to recover from the civil conflict in 1998 and 1999, which displaced one-third of the population, destroyed many schools, and prevented most young children from attending school for at least half a year.¹⁶⁶²

Child Labor Laws and Enforcement

The General Labor Law sets the minimum age for employment at 14 years for factory work and 18 years for heavy or dangerous labor, including work in mines.¹⁶⁶³ The law prohibits forced or bonded labor.¹⁶⁶⁴ There are no laws that specifically prohibit the commercial sexual exploitation of children.¹⁶⁶⁵ The practice of prostitution for lucrative purposes is illegal in Guinea-Bissau, as is the

¹⁶⁵⁴ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 250.

¹⁶⁵⁵ Prostitution among young people is reported to be reaching alarming proportions. *Ibid.*, para. 253.

¹⁶⁵⁶ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2002, 38, [cited November 11, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Display%20Message/CSC%20Publications?OpenDocument>. 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: Guinea Bissau*, CRC/C/15/Add.177, Geneva, June 13, 2002, para. 48.

¹⁶⁵⁷ UNICEF, *Youth at the UN, Country Profiles on the Situation of Youth: Guinea-Bissau*, UNICEF, 2000 [cited August 8, 2002]; available from <http://esa.un.org/socdev/unyin/countrya.asp?countrycode=gw>.

¹⁶⁵⁸ Net enrollment statistics on Guinea-Bissau are not available. UNESCO, *Education for All (EFA) Year 2000 Assessment: Guinea-Bissau* [CD-ROM], Paris, 2000.

¹⁶⁵⁹ UNICEF, *Girls' Education in Guinea Bissau*.

¹⁶⁶⁰ *Ibid.* See also UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para 33.

¹⁶⁶¹ UNICEF, *Girls' Education in Guinea Bissau*.

¹⁶⁶² UNICEF, *UNICEF's Humanitarian Response to Children, January - December 1999, Guinea-Bissau*, UNICEF, 11, [cited August 28, 2002]; available from www.unicef.org/cap/gbissau.pdf.

¹⁶⁶³ U.S. Department of State, *Country Reports- 2001: Guinea-Bissau*, 355-57, Section 6d.

¹⁶⁶⁴ *Ibid.*, 355-57, Section 6c.

¹⁶⁶⁵ ECPAT International, *Guinea-Bissau*, in ECPAT International, [database online] 2002 [cited August 28 2002], "CSEC Overview"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

use of violence, threats, or other coercive actions to transport individuals to foreign countries.¹⁶⁶⁶ According to Decree 20/83, boys under 16 years may volunteer for the armed forces, and all citizens between the ages of 18 and 25 must perform compulsory military service.¹⁶⁶⁷

The Ministry of Justice and the Ministry of Civil Service and Labor are responsible for enforcing labor laws in the formal sector,¹⁶⁶⁸ but due to economic conditions, formal sector employment of any kind is virtually nonexistent.¹⁶⁶⁹ There is no information available on the enforcement of laws pertaining to trafficking or commercial sexual exploitation of children.

The Government of Guinea-Bissau has not ratified either ILO Convention 138 or ILO Convention 182.¹⁶⁷⁰

¹⁶⁶⁶ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 259-61.

¹⁶⁶⁷ *Ibid.*, para. 137.

¹⁶⁶⁸ U.S. Department of State, *Country Reports- 2001: Guinea-Bissau*, 355-57, Section 6d.

¹⁶⁶⁹ U.S. Embassy- Dakar, *unclassified telegram no. 3985*, December 2001.

¹⁶⁷⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 28 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Guyana

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

Officials of the Government of Guyana have attended training workshops aimed at building the capacity of the national statistics agency and the Ministry of Labor to collect and disseminate data on child labor.¹⁶⁷¹ The government has established a drop-in center for street children, and is also building a home for street children.¹⁶⁷²

During the 1990s, the Government of Guyana implemented a Primary Education Improvement Project that enhanced teacher training, produced new primary school textbooks for each pupil and constructed 35 new schools, rehabilitating 64 more.¹⁶⁷³ By 1998, public spending on education was increased to 14 percent of the budget, reaching 5.6 percent of GDP.¹⁶⁷⁴ In 2002, the government received support from the Inter-American Development Bank to modernize and strengthen the country's basic education system.¹⁶⁷⁵ In November 2002, the Government of Guyana was selected to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.¹⁶⁷⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Guyana are unavailable. There is a substantial informal sector, which employs 25 percent of the workforce.¹⁶⁷⁷ UNICEF reports that child labor is a serious issue in the informal sector, and it is common to see children engaged in

¹⁶⁷¹ ILO-IPEC, *SIMPOC: Major Activities and Achievements in 1998-1999*, [online] October 31, 2000 [cited August 25, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/simpoc00/page4.htm>.

¹⁶⁷² UNICEF and Government of Guyana, *Progress Report Towards Attaining the Goals of the World Summit for Children*, October 2000, [cited August 23, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_guyana_en.PDF.

¹⁶⁷³ UNESCO, *Education for All 2000 Assessment: Country Reports-Guyana*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, [cited August 23, 2002]; available from <http://www2.unesco.org/wef/countryreports/guyana/contents.html#cont>.

¹⁶⁷⁴ Ibid.

¹⁶⁷⁵ Inter-American Development Bank, *IDB Approves \$30 Million to Modernize Basic Education in Guyana*, [online] June 12, 2002 [cited November 15, 2002]; available from <http://www.iadb.org/exr/PRENSA/2002/cp13802e.htm>.

¹⁶⁷⁶ World Bank, *Education for All the World's Children: Donors Agree to Finance First Group of Countries on Education Fast-Track*, [online] November 27, 2002 [cited November 30, 2002]; available from <http://www.worldbank.org>.

¹⁶⁷⁷ Guyana Education Access Project, *Labour Market Information Survey*, GEAP Knowledge Bank, [online] [cited August 23, 2002]; available from <http://www.sdn.org.gy/geap/kb/index.html>.

street trading.¹⁶⁷⁸ There are reports that children are involved in prostitution in tourist areas, ports and the capital city of Georgetown.¹⁶⁷⁹

Primary education in Guyana is compulsory and free.¹⁶⁸⁰ In 1998, the gross primary enrollment rate was 102 percent, and the net primary enrollment rate was 85.4 percent.¹⁶⁸¹ Attendance rates are not available for Guyana. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁶⁸²

Child Labor Laws and Enforcement

The Factories Act and Employment of Young Persons and Children Act of 1999 sets the minimum age for employment at 14 years.¹⁶⁸³ Children under the age of 18 are prohibited from work that could jeopardize their health, safety, or morals. Forced labor is prohibited by the Constitution.¹⁶⁸⁴ The Criminal Law Offences Act protects children from sexual abuse and exploitation, establishing the age of consent for sexual activity at 13 years. Prostitution of a child under 13 years is illegal according to the act, but it is a defense for the accused to claim that he/she believed the child to be at least 13 years.¹⁶⁸⁵ The Ministry of Labor lacks sufficient inspectors to enforce child labor laws effectively.¹⁶⁸⁶

The Government of Guyana ratified ILO Convention 138 on April 15, 1998 and ILO Convention 182 on January 15, 2001.¹⁶⁸⁷

¹⁶⁷⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Guyana*, Washington, D.C., March 4, 2002, 2866-68, Section 6d [cited August 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8337.htm>.

¹⁶⁷⁹ ECPAT International, *Guyana*, in ECPAT International, [database online] [cited December 2, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/.

¹⁶⁸⁰ Government of Guyana, *National Development Strategy, Vol. 3: The Social Sectors*, [online] [cited August 25, 2002]; available from <http://www.guyana.org/NDS/volume3.htm>. Primary education has been compulsory in Guyana for over a century. See UNESCO, *EFA 2000 Report: Guyana*.

¹⁶⁸¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁶⁸² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁶⁸³ U.S. Department of State, *Country Reports- 2001: Guyana*, 2866-68, Section 6d. See also Government of Guyana, *Employment of Women, Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933, [cited December 13, 2002]; available from <http://natlex.ilo.org>.

¹⁶⁸⁴ *Constitution of the Co-operative Republic of Guyana*, Article 140, [cited October 11, 2002]; available from http://www.guyanaguide.com/constitution/cons_title01.html.

¹⁶⁸⁵ Interpol, *Legislation on Sexual Offences Against Children*, [online] [cited December 2, 2002]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaGuyana.asp>.

¹⁶⁸⁶ U.S. Department of State, *Country Reports- 2001: Guyana*, 2866-68, Section 6d.

¹⁶⁸⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 25, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Haiti

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

The Government of Haiti became a member of ILO-IPEC in 1999 and requested ILO-IPEC's assistance to address the problem of child domestic workers (known as *restaveks*, in Haitian Creole).¹⁶⁸⁸ With funding from USDOL, ILO-IPEC is conducting a three-year country program intended to strengthen the capacity of government ministries and institutions responsible for *restaveks*, raise public awareness about the issue, remove children from exploitative work, and provide them with education alternatives.¹⁶⁸⁹ The Ministry of Social Affairs implements a program called *SOS Timoun*, under which reports of child abuse may be reported through a hotline number, and the Ministry's Institute of Welfare and Research (IBESR) has the authority to withdraw children from abusive situations.¹⁶⁹⁰ The government has also sponsored public awareness measures on the topic of mistreatment of *restaveks*, specifically national television and radio advertisements.¹⁶⁹¹ In addition, the government is working with UNICEF to implement a project assisting child domestic workers through the provision of vocational training.¹⁶⁹²

While the majority of Haiti's social welfare budget is reported to be used to combat child abuse,¹⁶⁹³ government programs reach only a fraction of the children exploited through internal trafficking and domestic labor. The Ministry of Social Affairs reported that it served 158 children in 2001, a decrease from the 760 children removed from abusive households in 2000.¹⁶⁹⁴ In addition, child domestic service is deeply ingrained in Haitian tradition and culture, which presents an impediment to government efforts and social change.

The Ministry of Education is receiving loans from the IDB and the World Bank for a Basic Education Project aimed at improving access to quality education.¹⁶⁹⁵ The ministry is also working

¹⁶⁸⁸ ILO-IPEC, *Haiti and IPEC launch programme to combat child domestic labour*, [online] [cited August 23, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/about/factsheet/facts20.htm>.

¹⁶⁸⁹ Ibid.

¹⁶⁹⁰ Minister of Social Affairs Mathilde Flambert and Chef du Cabinet Particulier Pierre Richard Painson, interview with USDOL official, August 1, 2000. The government has assigned 10 trained monitors to identify and remove *restaveks* from exploitative work. See U.S. Embassy-Port Au Prince, *unclassified telegram no. 1203*, May 2001.

¹⁶⁹¹ U.S. Department of State, *Trafficking in Persons Report- 2002: Haiti*, Washington, D.C., June 5, 2002, 56 [cited December 13, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

¹⁶⁹² U.S. Embassy-Port au Prince, *unclassified telegram no. 2570*, October 2001.

¹⁶⁹³ Ibid.

¹⁶⁹⁴ U.S. Department of State, *Trafficking in Persons Report: Haiti*, 56.

¹⁶⁹⁵ Inter-American Development Bank, *Haiti: Basic Education Project, Phase I*, [online] 1998 [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/apr/ha1016e.pdf>.

with NGOs, including UNICEF,¹⁶⁹⁶ to build new schools and implement alternative education initiatives.¹⁶⁹⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 22.8 percent of children ages 10 to 14 years in Haiti were working.¹⁶⁹⁸ Due to high unemployment and job competition, there is very little formal-sector child labor; children are known to work on family farms and in the informal sector in order to supplement their parents' income.¹⁶⁹⁹

The most common worst form of child labor in Haiti is the traditional practice of trafficking children from poor, rural areas to cities for work as domestic servants. According to UNICEF, approximately 300,000 children work as *restaveks*, 80 percent of whom are girls under 14 years of age.¹⁷⁰⁰ Another survey by the National Coalition for Haitian Rights estimated that 1 in 10 children in Haiti is a domestic worker.¹⁷⁰¹ *Restaveks* are among the most vulnerable and exploited of all children in Haiti. Most of these children work without compensation, reach the age of 15, 16, or 17 years without ever having attended school, and frequently undergo physical or sexual abuse.¹⁷⁰²

UNICEF estimates that there are approximately 5,000 street children in Haiti, including those who escaped from domestic servitude.¹⁷⁰³ Anecdotal evidence suggests that some street children work as prostitutes.¹⁷⁰⁴ There are also reports of commercial sexual exploitation of children in the capital and other major towns, in connection with the tourist industry.¹⁷⁰⁵ In 2002, a joint IOM/UNICEF study found that between 2,000 and 3,000 Haitian children are trafficked each year to the Dominican Republic for work as beggars or in the agriculture and construction sectors.¹⁷⁰⁶

¹⁶⁹⁶ UNICEF, *Haiti Faces Major Education Challenge*, [online] 1999 [cited August 23, 2002]; available from <http://www.unicef.org/newsline/99pr19.htm>.

¹⁶⁹⁷ Paul Bien-Aime, Minister of Education, interview with USDOL official, August 1, 2000.

¹⁶⁹⁸ World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2002.

¹⁶⁹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Haiti*, Washington, D.C., March 4, 2002, 2884-87, Section 6d [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8332.htm>.

¹⁷⁰⁰ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷⁰¹ Madeline Baro Diaz, "Study Condemns Child Labor; Tradition Forces 10 Percent of Children Into Domestic Service, Report Says," *South Florida Sun-Sentinel* (Miami), April 13, 2002.

¹⁷⁰² UNICEF, *Helping Child Servants Who Are Virtual Slaves*, [online] 2000 [cited August 23, 2002]; available from <http://www.unicef.org/media/storyideas/946.htm>.

¹⁷⁰³ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷⁰⁴ UN Commission on Human Rights, *Restavek Servitude*, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery, Geneva, June 14-23, 2000.

¹⁷⁰⁵ ECPAT International estimates that 10,000 children are involved in CSEC in Haiti. ECPAT International, *Haiti*, in ECPAT International, [database online] [cited August 22, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index/asp.

¹⁷⁰⁶ ILO-IPEC official, electronic communication to USDOL official, August 16, 2002.

According to the Constitution, primary schooling is free and compulsory.¹⁷⁰⁷ Education is required from the age of 6 to 15 years.¹⁷⁰⁸ In 1998, the gross primary enrollment rate was 151.6 percent, and the net primary enrollment rate was 79.7 percent.¹⁷⁰⁹ However, according to UNICEF, almost two-thirds of Haitian children drop out of school before completing the full six years of compulsory education, and over one million primary school children lack access to schooling.¹⁷¹⁰ Primary school attendance rates are unavailable for Haiti. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷¹¹ School facilities are in disrepair, and overcrowding leaves 75 percent of students without a seat in the classroom.¹⁷¹² In addition, costs associated with school, including uniforms and books, are reported to prevent many children in rural areas from attending.¹⁷¹³

Child Labor Laws and Enforcement

The Labor Code of 1984 prohibits children under 15 years of age from working in industrial, agricultural, or commercial enterprises, and establishes 12 years as the minimum age for domestic work and 14 years as the minimum age for apprenticeships.¹⁷¹⁴ Furthermore, the Labor Code stipulates that persons employing child domestic servants must obtain a permit from IBESR and provide the child with housing, clothing and food.¹⁷¹⁵ The Labor Code also bans hazardous work for minors and night work in industrial jobs for children under 18 years, and additional provisions regulate the employment of children between 15 and 18 years of age,¹⁷¹⁶ and prohibit forced labor.¹⁷¹⁷ The law does not specifically prohibit trafficking or prostitution, although the Criminal Code prohibits engaging in indecent behavior with a young person under the age of 21.¹⁷¹⁸

¹⁷⁰⁷ *Constitution of Haiti*, (1987), [cited December 20, 2002]; available from http://www.right-to-education.org/content/index_4.html.

¹⁷⁰⁸ Le Projet de Loi d'Orientation de l'Education, as cited in UNESCO, *Education for All 2000 Assessment: Haiti*, prepared by Ministry of National Education, Youth, and Sports of Haiti, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/haiti/rapport_1.html.

¹⁷⁰⁹ World Bank, *World Development Indicators 2002*.

¹⁷¹⁰ UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷¹¹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁷¹² UNICEF, *Haiti Faces Major Education Challenge*.

¹⁷¹³ U.S. Department of State, *Country Reports- 2002: Haiti*, 2882-84, Section 5.

¹⁷¹⁴ Government of Haiti, *Code du Travail*, (1984), Articles 73, 335, 41 [cited December 20, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹⁷¹⁵ *Ibid.*, Articles 343 and 45.

¹⁷¹⁶ Children under age 18 are required to undergo a medical examination before working in an enterprise. Also, children between the ages of 15 and 18 are required to obtain a work permit for agricultural, industrial, or commercial labor, and employers must retain a copy of the permit, along with additional personal information on the employee, in an official register. *Ibid.*, Articles 333, 35, 36-39.

¹⁷¹⁷ *Ibid.*, Article 4.

¹⁷¹⁸ U.S. Department of State, *Country Reports- 2002: Haiti*, 2884-87, Section 6f. See also Government of Haiti, *Criminal Code*, [cited August 22, 2002]; available from <http://www.protectionproject.org>.

The Ministry of Social Affairs is responsible for enforcing all child labor legislation, and the IBESR is charged with coordinating the implementation of child labor laws with other government agencies.¹⁷¹⁹ Child labor laws, particularly child domestic labor regulations, are not enforced.¹⁷²⁰ It is reported that the IBESR does not issue child domestic worker permits, although it is unclear whether this is due to families' ignorance or disregard for the law, or if the IBESR does not facilitate the process of obtaining permission.¹⁷²¹ The IBESR conducted just over 120 child labor inspections a year between 1996 and 2000, all for cases involving child domestic workers who were subsequently removed from abusive households and placed in shelters or in the care of NGOs. However, none of the inspections resulted in fines, penalties, or convictions against the households employing these children.¹⁷²² The government does not actively investigate cases of trafficking, and there have been no prosecutions of traffickers.¹⁷²³

The Government of Haiti has not ratified either ILO Convention 138 or ILO Convention 182.¹⁷²⁴

¹⁷¹⁹ U.S. Embassy-Port au Prince, *unclassified telegram no. 2570*.

¹⁷²⁰ Ibid. See also U.S. Department of State, *Trafficking in Persons Report: Haiti*.

¹⁷²¹ ILO-IPEC, *Combating the Exploitation of Child Domestic Workers in Haiti, Project Revision No. 1*, Geneva, November, 2001, 9.

¹⁷²² U.S. Embassy-Port au Prince, *unclassified telegram no. 2570*.

¹⁷²³ U.S. Department of State, *Trafficking in Persons Report: Haiti*.

¹⁷²⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 28, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Honduras

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

The Government of Honduras has been a member of ILO-IPEC since 1996.¹⁷²⁵ In 1998, the government established the National Commission for the Gradual and Progressive Eradication of Child Labor. The National Commission coordinates all activities to combat child labor and to mainstream working minors into educational programs.¹⁷²⁶ The commission is currently participating in an ILO-IPEC project, with funding from USDOL, to prevent and remove children from full-time work in the melon sector of Choluteca and in commercial coffee farms in Santa Barbara.¹⁷²⁷ The government also collaborates with the NGO *Compartir* on a child labor project in the garbage dump of Tegucigalpa.¹⁷²⁸ With technical assistance from ILO-IPEC and funding from USDOL, the Honduras National Institute of Statistics is working in consultation with the Ministry of Labor and Social Security (MOL) to conduct a national child labor survey.¹⁷²⁹ Honduras is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.¹⁷³⁰ With other donor funding, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information and providing direct services to children involved in domestic work in the homes of third parties.¹⁷³¹

¹⁷²⁵ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, project proposal, HON/00/P50/USA, Geneva, July - September 2000, 5. See also Government of Honduras, *Esfuerzos en la Eliminación de las Peores Formas de Trabajo Infantiles*, September 2002. See also ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 30, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁷²⁶ Decreto Ejecutivo Número PCM-017-98, Presidencia de la República (Honduras: 1998), 2 and 4, decreed the creation of the National Commission. Also, in June 2000, the Ministry of Labor and Social Security published a report on its efforts and focus on inspection, capacity building, surveys, awareness-raising, and coordination between agencies. See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2159*, June 2000. See also Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*, 2000.

¹⁷²⁷ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project proposal. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Honduras*, project proposal, HON/99/05/050, Geneva, 1999.

¹⁷²⁸ Government of Honduras, *Esfuerzos en la Eliminación de las Peores Formas de Trabajo Infantiles*, 10. In addition, with funding from ILO-IPEC, *Compartir* carried out a study on the conditions of work at the Tegucigalpa garbage dump. *Compartir, Niñez Trabajadora en el Depósito de Basura de Tegucigalpa, Estudio de Focalización y Condiciones de Trabajo*, ILO-IPEC, Tegucigalpa.

¹⁷²⁹ ILO-IPEC, *SIMPOC Central America*, project proposal, CAM/99/05/050, Geneva, 1999.

¹⁷³⁰ In Honduras, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, Geneva, 2002.

¹⁷³¹ ILO official, electronic correspondence to USDOL official, September 16, 2002.

In June 2001, the Honduran Private Business Council promoted a Declaration signed by the MOL, the First Lady of Honduras, and the ILO to immediately eradicate the worst forms of child labor.¹⁷³² In September 2001, in collaboration with the Honduran Private Business Council, the MOL implemented an education campaign to increase industry awareness on the worst forms of child labor.¹⁷³³ Within the same year, the Legislative Assembly published specific regulations on child labor, which outline activities prohibited for children and adolescents and sanctions for employers who violate these rules and regulations.¹⁷³⁴ The Government of Honduras also published its National Plan of Action for the Gradual and Progressive Eradication of Child Labor in 2001.¹⁷³⁵

The government has also collaborated with the Spanish Agency for International Cooperation on public awareness and information collection strategies on child labor; with UNICEF on capacity building and public awareness activities; and with Save the Children–UK on activities related to its national plan of action and child labor in the diving sector.¹⁷³⁶

The government has initiated several programs in order to improve children's access to quality basic education. The Ministry of Education provides very poor families with stipends for school supplies and makes available radio and long distance learning for children in distant rural areas with few schools.¹⁷³⁷ Regional committees of child defense volunteers also try to convince parents to send their children to school.¹⁷³⁸ The Ministry of Education has developed an Education for All plan to increase access to primary education; improve the quality of pre-school and primary education by encouraging new teaching modalities, improving curriculum, and reducing drop-out rates and desertion; reduce illiteracy; and expand basic education services and training in essential skills for youth.¹⁷³⁹

¹⁷³² U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*, October 2001. See also Eris Gallegos, "Firma de Declaración: Empresarios se comprometen a erradicar las peores formas de trabajo infantil," *El Tiempo* (San Pedro Sula), 2001.

¹⁷³³ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Honduras*, Washington, D.C., March 4, 2002, 2903-07, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8328.htm>.

¹⁷³⁴ Government of Honduras, *Poder Legislativo Decreto No. 199-2001*, (December 11, 2001), as cited in La Gaceta, Diario Oficial de la República de Honduras. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 0944*, March 2002.

¹⁷³⁵ 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.

¹⁷³⁶ Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*.

¹⁷³⁷ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

¹⁷³⁸ *Ibid.*

¹⁷³⁹ UNESCO, *Education for All 2000 Assessment: Country Reports-Honduras*, prepared by Secretary of Public Education, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited August 30, 2002]; available from http://www2.unesco.org/wef/countryreports/honduras/rapport_1.html.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 7.1 percent of children ages 10 to 14 years in Honduras were working.¹⁷⁴⁰ According to a study undertaken by the Ministry of Labor and Social Security in association with UNICEF and the Honduran Institute for Childhood and the Family, nearly half of all working children work in agriculture, cattle farming, or fishing.¹⁷⁴¹ Twenty percent of working children are employed in manufacturing, mining, electricity, gas, and construction. The remaining 30 percent of working children are employed in commerce, transportation, finance, or service industries (including domestic service).¹⁷⁴² Two-thirds of working children work without compensation to supplement family incomes derived from family farms or for small businesses.¹⁷⁴³ Child labor in Honduras increased significantly after Hurricane Mitch in 1998.¹⁷⁴⁴

According to the Government of Honduras, the worst forms of child labor in Honduras include: prostitution (particularly in the tourist sector along the North Coast and other areas); fireworks manufacturing (in Copan); marine diving (on lobster boats in the Mosquitia coast); work in limestone quarries and garbage dumps (in the two large cities of Tegucigalpa and San Pedro Sula); mining and dirt extraction (South and East regions); the sale and handling of pesticides (Copan, La Ceiba, and Choluteca); construction; and agricultural work (in the coffee and melon industries).¹⁷⁴⁵ Children have also been used to sell drugs in Olancho and Comayagua.¹⁷⁴⁶

There is evidence that some children engage in prostitution.¹⁷⁴⁷ Honduras is primarily a source country for girls trafficked for commercial sexual exploitation. Honduran girls are trafficked by criminal groups to Mexico and other Central American countries; and boys have been reportedly

¹⁷⁴⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to the ILO, 58,000 children ages 10 to 14 were working. ILO, *Yearbook of Labour Statistics 2001*, Geneva.

¹⁷⁴¹ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2159*.

¹⁷⁴² FUNPADEM, *Pobreza y Subsistencia: Trabajo Infantil y Adolescente en los Departamentos de Cortes, Copan, y Santa Barbara*, San José, Costa Rica, 2001, 56-60. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2159*.

¹⁷⁴³ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2159*.

¹⁷⁴⁴ UN Wire, *Child Labor: ILO Says 500,000 Honduran Children Help Support Families*, United Nations Foundation, [online] July 23, 2002 [cited July 23, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=27840. See also U.S. Department of State, *Country Reports- 2001: Honduras*, 2900-03, Section 5.

¹⁷⁴⁵ National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*, 97-98. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

¹⁷⁴⁶ National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación Gradual y Progresiva del Trabajo Infantil*, Tegucigalpa, 2000, 17.

¹⁷⁴⁷ U.S. Department of State, *Country Reports- 2001: Honduras*, 2900-03, Section 5. See also National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación de Trabajo Infantil*, 17.

trafficked to Canada for the sale and transportation of drugs.¹⁷⁴⁸ There have been reports that children from Honduras have also been used as beggars to support traffickers in San Salvador, El Salvador.¹⁷⁴⁹

Education is free and compulsory¹⁷⁵⁰ in Honduras until the age of 13.¹⁷⁵¹ In 2001, the Government of Honduras allocated 9.6 percent of its total yearly expenditure to basic education.¹⁷⁵² In 1999, the gross primary enrollment rate was 97.3 percent, and the net primary enrollment rate was 85.7 percent.¹⁷⁵³ Attendance rates are not available for Honduras. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷⁵⁴ Among working children, an estimated 34 percent complete primary school.¹⁷⁵⁵ The average number of years of schooling in Honduras is 4.8 years (6.7 in urban areas and 3 in rural areas).¹⁷⁵⁶

A lack of schools prevents many children in Honduras from receiving an education, as do costs such as enrollment fees, school uniforms and transportation.¹⁷⁵⁷ The government estimates that 65,000 children ages 6 through 12 fail to receive an education due to a lack of financial resources and because their parents rely on them to work in order to help support the family.¹⁷⁵⁸ The poor quality of education and the lack of vocational education are other areas of concern.¹⁷⁵⁹

¹⁷⁴⁸ U.S. Department of State, *Trafficking in Persons Report- 2002: Honduras*, Washington, D.C., June 5, 2002, 57 [cited December 27, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>. See also U.S. Department of State, *Country Reports- 2001: Honduras*, 2900-07, Sections 5, 6d and 6f.

¹⁷⁴⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: El Salvador*, Washington, D.C., March 4, 2002, 2808-12, Section 6f [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8354.htm>.

¹⁷⁵⁰ *Constitution of the Republic of Honduras*, 1982, Chapter 8, Article 171, No. 7, [cited November 15, 2001]; available from <http://www.georgetown.edu.pdba/Constitutions/Honduras/honduras.html>.

¹⁷⁵¹ U.S. Department of State, *Country Reports- 2001: Honduras*, 2900-03, Section 5. See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, September 2001, 8, which states that 14 is the average age for finishing primary school.

¹⁷⁵² U.S. Department of State, *Country Reports- 2001: Honduras*, 2900-03, Section 5.

¹⁷⁵³ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

¹⁷⁵⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁷⁵⁵ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations, project proposal*, 2.

¹⁷⁵⁶ FUNPADEM, *Pobreza y Subsistencia*, 63.

¹⁷⁵⁷ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations, project proposal*, 2.

¹⁷⁵⁸ U.S. Department of State, *Country Reports- 2001: Honduras*, 2900-03, Section 5.

¹⁷⁵⁹ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations, project proposal*, 2.

Child Labor Laws and Enforcement

The Constitution and the Labor Code set the minimum age for employment at 16 years, with the exception that a child who is 15 years of age is permitted to work with parental consent and Ministry of Labor permission.¹⁷⁶⁰ An employer who legally hires a 15-year-old must certify that the child has finished, or is finishing, compulsory schooling.¹⁷⁶¹ Children under the age of 16 are prohibited from night work and from working in clubs, theaters, circuses, cafes, bars, in establishments that serve alcoholic beverages, or in jobs that have been determined to be unhealthy or dangerous.¹⁷⁶² Children under age 16 are limited to working six hours a day and 30 hours a week.¹⁷⁶³ The Children's Code prohibits a child of 14 years of age or younger from working, even with parental permission, and establishes prison sentences of three to five years for individuals who allow children to work illegally.¹⁷⁶⁴

The Minor's Code criminalizes child prostitution. Children 18 years and younger are protected under this law against sexual exploitation, child prostitution and child pornography.¹⁷⁶⁵ Violation of these laws can carry five to eight years imprisonment.¹⁷⁶⁶ The Penal Code also includes provisions that prohibit trafficking in persons, which can carry six to nine years imprisonment.¹⁷⁶⁷ However, prosecution and law enforcement efforts are weak due to corruption and lack of resources.¹⁷⁶⁸

The MOL is responsible for conducting child labor inspections.¹⁷⁶⁹ The Ministry has an insufficient number of inspectors for the entire country,¹⁷⁷⁰ and is not able to effectively enforce laws in rural areas or against small companies.¹⁷⁷¹ Despite these problems, in 2001, the ministry

¹⁷⁶⁰ *Constitution of the Republic of Honduras, 1982, Chapter 5, Article 128, No. 7.* See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, 5. See also U.S. Department of State, *Country Reports- 2001: Honduras*, 2903-07, Section 6d.

¹⁷⁶¹ U.S. Department of State, *Country Reports- 2001: Honduras*, 2903-07, Section 6d.

¹⁷⁶² ILO-IPEC Regional Office for Latin America and the Caribbean, *HONDURAS: Sistema Regional de Información sobre Trabajo Infantil*, San Jose, 1999, 19-20.

¹⁷⁶³ *Constitution of the Republic of Honduras, 1982, Chapter 5, Article 128, No. 7.*

¹⁷⁶⁴ Government of Honduras, *Código de la Niñez y de la Adolescencia*, 1998, 120 and 34. See also U.S. Department of State, *Country Reports- 2001: Honduras*, 2903-07, Section 6d.

¹⁷⁶⁵ Article 148 criminalizes child prostitution, while Article 143 criminalizes pornography. U.S. Embassy-Tegucigalpa, *unclassified telegram no. 2902*, August 2000.

¹⁷⁶⁶ Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, 7.

¹⁷⁶⁷ U.S. Department of State, *Country Reports- 2001: Honduras*, 2903-07, Section 6f.

¹⁷⁶⁸ U.S. Department of State, *Trafficking in Persons Report: Honduras*, 57.

¹⁷⁶⁹ Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*.

¹⁷⁷⁰ U.S. Embassy-Tegucigalpa, *unclassified telegram no. 3211*.

¹⁷⁷¹ U.S. Department of State, *Country Reports- 2001: Honduras*, 2903-07, Section 6d.

opened a regional office and reinitiated inspections on lobster boats in the Mosquitia area, where boat captains illegally employ boy divers. Early in 2001, the MOL conducted a special inspection of the melon industry in order to uncover the incidence of child labor in that sector.¹⁷⁷²

The Government of Honduras ratified ILO Convention 138 on June 9, 1980 and ILO Convention 182 on October 25, 2001.¹⁷⁷³

¹⁷⁷² U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

¹⁷⁷³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Hungary

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

The Government of Hungary is working with IOM and women's rights organizations to implement a trafficking prevention program in schools.¹⁷⁷⁴ In addition, the government provides partial financial support for a trafficking information hotline through the public fund "For a Safe Hungary."¹⁷⁷⁵ In 1997, Hungary implemented a program for border guards that had a particular emphasis on preventing trafficking in children and young adults.¹⁷⁷⁶ In 1999, the government amended the Act of Public Education to implement an educational improvement project, which included measures to increase access to schools.¹⁷⁷⁷ Also in 1999, an Office of the Ministerial Ombudsman for Education Affairs was established to respond to problems related to accessing education, and to address concerns submitted by parents, administrators, teachers, or students.¹⁷⁷⁸

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Hungary are unavailable.¹⁷⁷⁹ There is little evidence of child labor in the formal sector, although occasional cases are reported.¹⁷⁸⁰ Children work as beggars in urban areas,¹⁷⁸¹ and also as prostitutes, according to Budapest Police, although the scope of the problem is unknown.¹⁷⁸² Hungary is primarily a transit country, but also a source and destination country, for trafficking in persons, including children. Girls are trafficked from Romania, Ukraine, Moldova, Poland, Yugoslavia, and China to and

¹⁷⁷⁴ U.S. Department of State, *Country Report on Human Rights Practices- 2001: Hungary*, Washington, D.C., March 4, 2002, 1509-11, Section 6f [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8264.htm>.

¹⁷⁷⁵ U.S. Department of State, *Trafficking in Persons Report- 2002: Hungary*, Washington, D.C., June 5, 2002, 59 [cited August 30, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

¹⁷⁷⁶ European Parliament Directorate-General for Research, *Implementation of Recommendation No. R(91)11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults*, as cited in *Trafficking in Women Working Paper*, European Parliament, Brussels, 2000, 69.

¹⁷⁷⁷ Ministry of Education, *Comenius 2000 Programme for Quality Improvement in Public Education, The New Approach to Quality in Public Education*, [online] 1999 [cited August 30, 2002]; available from http://www.om.hu/j430_english.html.

¹⁷⁷⁸ U.S. Embassy- Budapest, *unclassified telegram no. 3455*, September 2000.

¹⁷⁷⁹ Hungary does not collect labor force statistics for children under the age of 15. ILO, *Laborstat Database of Labor Statistics*, [database online] 2002 [cited October 21, 2002]; available from <http://laborsta.ilo.org/applv8/data/ssm3/e/HU.html>.

¹⁷⁸⁰ U.S. Embassy- Budapest, *unclassified telegram no. 3455*.

¹⁷⁸¹ *Ibid.*

¹⁷⁸² U.S. Embassy- Budapest, *unclassified telegram no. 1920*, March 1998.

through Hungary to Western Europe and the United States for the purposes of commercial sexual exploitation.¹⁷⁸³

The Education Act establishes 10 years of compulsory education, ending at the age of 16.¹⁷⁸⁴ Primary education is free, according to the Constitution.¹⁷⁸⁵ In 1998, the gross primary enrollment rate was 102.6 percent and the net primary enrollment rate was 81.8 percent.¹⁷⁸⁶ Attendance rates are not available for Hungary. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷⁸⁷ Schools in ethnic Roma communities are in markedly poorer condition, and only a reported 1.6 percent of Roma children graduate from high school.¹⁷⁸⁸

Child Labor Laws and Enforcement

The Labor Code of 1992 states that children may only be employed when they have finished their compulsory education, which effectively sets the minimum age for work at 16 years.¹⁷⁸⁹ However, children who are at least 14 years old are permitted to work if the work does not interfere with schooling or if they are exempt from attending school.¹⁷⁹⁰ All children under age 16 must obtain the consent of a legal guardian before entering into an employment contract.¹⁷⁹¹ The Labor Code specifically prohibits children under the age of 18 from working in jobs that may be detrimental to their physical well-being or development, in night work, or in overtime work.¹⁷⁹² Forced labor is prohibited by law.¹⁷⁹³ According to the 1999 Act of Offenses, persuading or soliciting another to engage in prostitution is illegal, as is working in a brothel under the age of 18. The punishment is two to eight years imprisonment.¹⁷⁹⁴ The Criminal Code has provisions against kidnapping and violations of personal freedom and smuggling of persons.¹⁷⁹⁵

¹⁷⁸³ U.S. Department of State, *Trafficking in Persons Report: Hungary*, 59.

¹⁷⁸⁴ UNESCO, *World Data on Education: Hungary*, [online] April 2002 [cited September 25, 2002]; available from http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clinetID=54387&COUNTRY=hungary&FREETEX.

¹⁷⁸⁵ *Constitution of the Republic of Hungary*, (1949), Article 70F, [cited August 30, 2002]; available from http://www.uni-wuerzburg.de/law/hu00000_.html.

¹⁷⁸⁶ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁷⁸⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁷⁸⁸ U.S. Department of State, *Country Reports- 2001: Hungary*, 1509-11, Section 6c.

¹⁷⁸⁹ Government of Hungary, *Hungary Labour Code, Act No. 22 of 1992, Part III*, 1992, Section 72(c), [cited August 30, 2002]; available from <http://www.natlex.ilo.org/txt/E92HUN01.htm>.

¹⁷⁹⁰ *Ibid.*, Section 72(4).

¹⁷⁹¹ *Ibid.*, Section 72(2).

¹⁷⁹² *Ibid.*, Sections 75 and 121.

¹⁷⁹³ U.S. Department of State, *Country Reports- 2001: Hungary*, 1509-11, Section 6c.

¹⁷⁹⁴ Government of Hungary, *Act of Offenses (Act LXIX of 1999)*, Sections 143, 205-07, [cited August 30, 2002]; available from <http://www.protectionproject.org>.

¹⁷⁹⁵ UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1993, Addendum: Hungary*, CRC/C/8/Add.34, prepared by Government of Hungary, pursuant to Article 44 of the Convention on the Rights of the Child, 1996, paras. 101, 103.

The National Work Safety and Labor Affairs Supervision Office (OMMF) has 20 county and local offices to enforce the labor code, including provisions related to child labor. OMMF inspectors respond to complaints and conduct random spot checks to ensure that employers adhere to labor regulations. Complex labor violations may be presented to the labor courts. Violations of labor regulations are misdemeanors punishable by a fine ranging from approximately USD 160 to 9,000. Child labor laws are reported to be enforced.¹⁷⁹⁶ The government investigated and prosecuted an increased number of trafficking cases in 2001.¹⁷⁹⁷

The Government of Hungary ratified ILO Convention 138 on May 28, 1998 and ILO Convention 182 on April 20, 2000.¹⁷⁹⁸

¹⁷⁹⁶ U.S. Embassy- Budapest, *unclassified telegram no. 3455*.

¹⁷⁹⁷ U.S. Department of State, *Trafficking in Persons Report: Hungary*, 59.

¹⁷⁹⁸ ILO, *Ratifications by Country*, ILOLEX, [database online] [cited August 8, 2002]; available from <http://ilolex.ilo.ch:1567/english/>.

India

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

The Government of India has been a member of ILO-IPEC since 1992,¹⁷⁹⁹ when it was the first country to sign an MOU with the organization.¹⁸⁰⁰ In 1987, the Government of India adopted a National Policy on Child Labor. Approximately 100 National Child Labor Projects (NCLP) presently operate in 13 states and reach approximately 213,000 children.¹⁸⁰¹ NCLPs establish special schools that provide rehabilitation, non-formal education and vocational training, health care, stipends, and nutrition supplements for the children withdrawn from the workplace.¹⁸⁰² In 2001, the Government of India entered into a technical cooperation project agreement with USDOL to fund a USD 40 million ILO-IPEC project to eliminate child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharastra, Tamil Nadu, and Uttar Pradesh. This project represents USDOL's largest commitment to a child labor elimination initiative, and the Government of India's 20 million contribution is the single largest counterpart contribution to such an initiative.¹⁸⁰³

The government has taken a number of steps to improve education and achieve universal enrollment in line with the goals of the National Policy on Education (NPE). The Department of Women and Child Development operates a program that targets pre-school aged children in nine states where systems of education are weak, facilitates universal primary education by improving quality and provides non-formal education programs for children with special needs, including working

¹⁷⁹⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 8, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁸⁰⁰ ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 9.

¹⁸⁰¹ Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 67 No. 150, September 5, 2002, 3. According to an Economic Survey conducted by the Ministry of Finance, 94 child labor projects covering 180,000 children had been established by 2001. See Ministry of Finance of the Government of India, *Economic Survey 2000-2001*, 2001, 192 [cited January 2, 2003]; available from <http://www.indiabudget.nic.in/es2000-01/social.htm>.

¹⁸⁰² Ministry of Finance of the Government of India, *Economic Survey 2000-2001*, 192. Also see Embassy of India, letter, September 5, 2002, 3.

¹⁸⁰³ In August 2000, the Indian Ministry of Labor and USDOL signed a Joint Statement agreeing to collaborate on an ILO-IPEC project to prevent and eliminate child labor in 10 hazardous sectors: *bidis* (a type of small, hand-rolled cigarette), brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. Each government is contributing USD 20 million to the project, which will target 80,000 children. Child labor prevention and withdrawal activities will complement the government's National Child Labor Policy. ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, cover, 3, 6-7, and 11. ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, 9. India asserts that it has the world's largest child labor elimination program. See Embassy of India, *Child Labor and India*, [online] [cited September 5, 2002], [cited January 2, 2003]; available from http://www.indianembassy.org/policy/Child_Labor/childlabor.htm.

children.¹⁸⁰⁴ The government's Sarva Shiksha Abhiyan Program aims to achieve universal elementary education for all children ages 6 to 14 by 2010.¹⁸⁰⁵ The World Bank has supported the government's efforts by undertaking a number of projects to improve and increase access to primary education through teacher training, constructing classrooms, conducting research, addressing issues of gender and scheduled castes inequality,¹⁸⁰⁶ reducing dropout rates, and building local and state capacity.¹⁸⁰⁷

¹⁸⁰⁴ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, CRC/C/28/Add.10, prepared by the Government of India, pursuant to Article 44 of the Convention on the Rights of the Child, July 7, 1997, paras. 221 and 23-26 [cited January 2, 2003]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.28.Add.10.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.10.En?OpenDocument).

¹⁸⁰⁵ The Ministry of Education and the Ministry of Labour are collaborating on the USDOL-funded ILO-IPEC project, which will provide educational services to working children in the 10 targeted hazardous sectors through its SSA Program. ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, 47. See also *Sarva Shiksha Abhiyan: Programme for Universal Elementary Education in India*, [online] [cited September 5, 2002]; available from <http://www.arunmehta.freeyellow.com/page119.html>.

¹⁸⁰⁶ *Scheduled castes* refers to the lowest classes of Indian society, groups commonly known as "untouchables."

¹⁸⁰⁷ For one example, see World Bank, *India-Rajasthan District Primary Education Project*, [online] 1999 [cited September 5, 2002]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_99052608145965.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12.1 percent of children ages 10 to 14 years in India were working.¹⁸⁰⁸ Bonded or forced child labor, including child prostitution, is extensive.¹⁸⁰⁹ Bonded labor exists in a number of industries, including the carpet manufacturing industry,¹⁸¹⁰ the silk

¹⁸⁰⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Estimates of the number of working children in India vary greatly, and as a result there is some debate over the accuracy of figures. The Government of India maintains that the only reliable statistics on child labor are those of the national censuses. India's 1991 national census found that 11.28 million of the country's children were working. The 2001 statistics on child labor have not yet been released, but the 55th National Sample Survey conducted in 1999-2000 estimated that the number had declined to 10.4 million. See Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 66 No. 186, October 25, 2001. These official figures notwithstanding, a discrepancy regarding "nowhere children" remains. About half of all children ages 5 to 14 are not enrolled in school (approximately 105 million children), yet do not appear in the official child labor force statistics. These children are called "nowhere children." Due to the high correlation that nowhere children have with child labor, many analysts and relief workers believe that 44-55 million working children is a more accurate figure. U.S. Embassy- New Delhi, *unclassified telegram 1401*, February 1998. See also Somesh K. Mathur, *Child Labour: Some Issues, Correlates and Cures*, Center for International Development at Harvard University, [online] 1998 [cited September 6, 2002]; available from <http://www.cid.harvard.edu/cidtrade/Papers/MathurLabor.pdf>. Also see D.P. Chaudhuri, "A Dynamic Profile of Child Labour in India," (ILO: 1996) as cited in UNICEF, *Child Labour in India: Press Release*, New Delhi, 1996. In 2000, the Chamber of Commerce and Industry (CCI) estimated child labor in the organized, unorganized and household sectors to be over 100 million. See S. Mahendra Dev, "Eradicating Child Labour," *The Hindu*, August 15, 2000. Finally, see South Asian Coalition on Child Servitude, *Child Labour in India*, [online] [cited September 16, 2002]; available from <http://www.saccsweb.org/cli.htm>.

¹⁸⁰⁹ Bonded or forced child labor is a complex problem in India, to which there is no easy solution. Despite a number of measures taken by the government, the reports of bonded or forced labor are many and the successes few. Bonded or forced child labor in India has been well documented. For an overview, see U.S. Department of State, *Country Reports on Human Rights Practices- 2001: India*, Washington, D.C., March 4, 2002, 2449-58, Sections 6c, 6d, and 6f [cited December 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8230.htm>. For additional sources, see U.S. Department of State, *Trafficking in Persons Report- 2002: India*, Washington, D.C., June 5, 2002, 60 [cited December 23, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/>. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: India*, CRC/C/15/Add.115, Geneva, February 23, 2000, paras. 65-66 and 74-77 [cited January 2, 2003]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.115.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.115.En?OpenDocument). For a few more accounts, see South Asian Coalition on Child Servitude, *Child Labour in India*. See also "Future in Chains," *Pioneer* (New Delhi), December 31, 1999, [cited January 2, 2002]; available from <http://www.globalmarch.org/cl-around-the-world/future-in-chains.php3>. See also "Child Prostitution is Increasing," *Indian Express* (New Delhi), August 16, 1999, [cited January 2, 2003]; available from <http://www.globalmarch.org/cl-around-the-world/cp-is-increasing.php3>. See also "Child Prostitution on Rise: Report," *Assam Tribune* (Gauhati), August 15, 1999, [cited January 2, 2003]; available from <http://www.globalmarch.org/cl-around-the-world/cp-on-rise-report.php3>. See also "Child Prostitution Rampant at G.B. Road. Police Helpless," *Asian Age* (New Delhi), August 18, 1999, [cited January 2, 2003]; available from <http://www.globalmarch.org/cl-around-the-world/cp-rampant-at-gb.php3>.

¹⁸¹⁰ Isabel Austin, State Representative for UNICEF, Tamil Nadu, interview with USDOL official, May 5, 1998. Isabel Austin was the state representative for UNICEF for Tamil Nadu and Kerala at the time of the interview. The U.S. Department of State reported in 2001 that bonded labor is widespread. For a complete list of the industries, see U.S. Department of State, *Country Reports- 2001: India*, 2449-58, Section 6c. See also U.S. Department of Labor, *Consumer Labels and Child Labor*, vol. IV, *By the Sweat and Toil of Children* (Washington, D.C.: U.S. Department of Labor, 1997).

industry,¹⁸¹¹ agriculture, and the services sector.¹⁸¹² India is a source, destination and transit country for trafficking of children. Children are reported to be trafficked from India to the Middle East and the West, into India from Bangladesh and Nepal, and through the country on the way to Pakistan and the Middle East.¹⁸¹³ Children are also trafficked within India for sexual exploitation and forced and bonded labor.¹⁸¹⁴ Children work in hazardous conditions in a number of sectors, including fireworks; stone quarrying; match, silk, lock, and brick manufacturing; and footwear and brassware production.¹⁸¹⁵ Children also work as domestic servants.¹⁸¹⁶

The Constitution established a goal of providing compulsory and free education for all children until they reach 14 years of age.¹⁸¹⁷ The NPE of 1986 and the Programme of Action of 1992 reemphasize that goal.¹⁸¹⁸ Legislation at the state and/or provincial level established compulsory primary education in 14 of the 24 states and four Union territories.¹⁸¹⁹ Approximately 85 percent of children ages 5 to 14 have attended school.¹⁸²⁰

¹⁸¹¹ U.S. Department of State, *Country Reports- 2001: India*, Section 6c.

¹⁸¹² Ibid., 2449-58, Section 6c. See also Human Rights Watch, *The Small Hands of Slavery: Bonded Child Labor*, [online] 1996 [cited September 6, 2002]; available from <http://www.hrw.org/reports/1996/India3.htm>. This discussion cites bonded child labor in the following sectors: agriculture, carpet, silk production, bidi, silver jewelry, synthetic gemstone, leather production, and precious stone.

¹⁸¹³ U.S. Department of State, *Trafficking in Persons Report: India*, 60.

¹⁸¹⁴ Ibid.

¹⁸¹⁵ ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, 6-7.

¹⁸¹⁶ U.S. Department of State, *Country Reports- 2001: India*, 2449-58, Section 6d.

¹⁸¹⁷ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, para. 220. See also Embassy of India, letter, September 5, 2002.

¹⁸¹⁸ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, para. 221. Despite these goals, the government has been unsuccessful at providing universal, compulsory and free education. U.S. Department of State, *Country Reports- 2001: India*, 2439-49, Section 5.

¹⁸¹⁹ These states and union territories are Assam, Andhra Pradesh, Bihar, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, West Bengal, Chandigarh, Pondicherry, and the Andaman and Nicobar Islands. See Embassy of India, written submission to USDOL official for the Fifth International Child Labour Study of the Bureau of International Affairs, U.S. Department of Labor, February 25, 1998, 11. In December 2001, the lower house of the Indian Parliament passed a bill making the right to education a basic fundamental right for all children between ages 6 and 14. The bill was scheduled to go before the upper house in 2002 for passage. U.S. Embassy- New Delhi, facsimile communication to USDOL official, December 19, 2001.

¹⁸²⁰ This figure estimates 80 percent of the children in rural areas and 92 percent of the children in urban areas have attended school. See India Department of Women and Child Development, *Multiple Indicator Survey- 2000 (MICS-2000)*, UNICEF, November 2001, [cited November 12, 2002]; available from <http://www.childinfo.org/MICS2/newreports/india/india.pdf>.

Child Labor Laws and Enforcement

The Child Labour-Prohibition and Regulation Act of 1986 defines a child as a person who has not reached 14 years of age.¹⁸²¹ The Act prohibits the employment of children under the age of 14 in 13 occupations and 51 processes.¹⁸²² The law further restricts children's work by establishing a limit of a six-hour workday for children, including a one-hour mandatory rest interval after three hours of labor. Moreover, it is unlawful to work a child overtime or between the hours of 7 p.m. and 8 a.m. Every child must be given one full day off per week.¹⁸²³ In 1996, India's Supreme Court established a penalty for persons employing children in hazardous industries and directed national and state governments to identify and withdraw children from hazardous work and provide them with education.¹⁸²⁴ The Penal Code and the Immoral Traffic (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a child is imprisonment for seven years to life.¹⁸²⁵

The enforcement of child labor laws, which falls under the jurisdiction of state governments, is inadequate for a number of reasons, including a lack of sufficient government resources, traditional attitudes toward child labor and the government's inability to provide universal primary education. Nonetheless, some 6,000 cases of legal action against employers are reportedly underway.¹⁸²⁶

The Government of India has not ratified ILO Convention 138 or ILO Convention 182.¹⁸²⁷

¹⁸²¹ Government of India, *Child Labour- Prohibition and Regulation Act 1986*, Part I, 2 [cited January 2, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹⁸²² *Ibid.*, Part II and The Schedule, Parts A and B. Embassy of India, letter, September 5, 2002, 2.

¹⁸²³ *Child Labour- Prohibition and Regulation Act*, Part III, 7 and 8.

¹⁸²⁴ Embassy of India, letter, September 5, 2002, 4.

¹⁸²⁵ *Ibid.*, 6-7.

¹⁸²⁶ U.S. Department of State, *Country Reports- 2001: India*, 2449-58, Section 6d.

¹⁸²⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Indonesia

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

In 1992, the Government of Indonesia became one of the six original countries to participate in ILO-IPEC.¹⁸²⁸ By presidential decree, a National Action Committee to Eliminate the Worst Forms of Child Labor was established in 2001, and the president signed the National Program of Action on the Elimination of the Worst Forms of Child Labor in August 2002.¹⁸²⁹ The committee is tasked with creating national child labor policies, establishing priorities and coordinating programs.¹⁸³⁰ The national program lists the worst forms of child labor in Indonesia and outlines a process to eradicate them.¹⁸³¹ A regional conference on trafficking and transnational crimes, which gathered representatives of 52 countries affected by trafficking, was convened by the Governments of Indonesia and Australia in February 2002.¹⁸³²

In 1999, the USDOL funded two ILO-IPEC projects in Indonesia to combat child labor in the fishing and footwear industries.¹⁸³³ USAID provides support for capacity building to strengthen the efforts of the Ministry of Women's Empowerment to combat trafficking and to advocate for anti-trafficking laws and policies.¹⁸³⁴ The government works with UNDP, ILO, UNICEF, and other NGOs to create programs for working children and street children, such as open houses that provide basic and vocational education to street children.¹⁸³⁵

¹⁸²⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 30, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁸²⁹ Soemadi D.M. Brotodiningrat, Ambassador, Embassy of the Republic of Indonesia, letter to USDOL official, September 6, 2002.

¹⁸³⁰ The committee was established by Presidential Decree No. 12, 2001, and the action plan established under Presidential Decree No. 59, 2002. See "Cooperation Against the Trafficking of Children for Labor and Sexual Exploitation in Indonesia" (paper presented at the ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12 2001), 4.

¹⁸³¹ Thirteen worst forms of child labor are listed, including commercial sexual exploitation, mining, work on *jermals*, scavenging, domestic help, and the use of children in work involving hazardous chemicals. Government of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 4-5.

¹⁸³² U.S. Department of State, *Trafficking in Persons Report- 2002: Indonesia*, Washington, D.C., June 5, 2002, 61 [cited December 20, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

¹⁸³³ ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase I)*, RAS/99/05/050, Geneva, 1999, cover. See also ILO-IPEC, *Programme to Combat Child Labor in the Footwear Industry in Indonesia and the Philippines (Phase I)*, RAS/99/05/060, Geneva, 1999, cover. A second phase of both Indonesia projects was funded by USDOL in September 2002. See ILO-IPEC, *Fishing and Footwear Sectors Program to Combat Hazardous Child Labor in Indonesia (Phase II)*, INS/02/Pxx/USA, Geneva, 2002, cover.

¹⁸³⁴ U.S. Embassy- Jakarta, *unclassified telegram no. 0649*, February 25, 2002.

¹⁸³⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Indonesia*, Washington, D.C., March 4, 2002, 985-96, Section 5 [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8314.htm>.

Beginning with the 1998-1999 school year, the World Bank, the Asian Development Bank, UNICEF, and other donors funded the Scholarship and Grants Program. The program is intended to support schools and keep children of impoverished families and families affected by the current economic crisis in school. Approximately USD 654 million in government and donor funds has been dedicated to project activities that provide block grants to schools and scholarships to children at the primary and secondary levels.¹⁸³⁶

The World Bank has six active education projects in Indonesia that aim to improve the quality of basic education and junior secondary education, as well as one project focusing on secondary school teachers.¹⁸³⁷ The World Bank also funds the Urban Poverty Project in selected areas of Indonesia, which includes the provision of grants to communities or local governments for projects to improve education, among other goals.¹⁸³⁸ The Australian Government supports government efforts to improve school quality, promote universal access to schooling, and strengthen the links between schooling and employment.¹⁸³⁹

USAID funded a pilot project to construct schools in areas of the Maluku affected by conflict,¹⁸⁴⁰ and UNICEF works with government counterparts on education issues in parts of Aceh and the Maluku to address the effects of the civil conflict.¹⁸⁴¹

¹⁸³⁶ WARTA Central Independent Monitoring Unit (CIMU), *Special Issue: History and Overview of the Scholarships and Grants Program*, September 2000, [cited September 17, 2002]; available from http://www.cimu.or.id/full_text_reports/Cimu-SpIssue1-Engl.pdf. See Minister for Health, His Excellency Dr. Achmad Sujudi, Statement at United Nations Special Session on Children, May 10, 2002, [cited August 15, 2002]; available from <http://www.un.org/ga/children/indonesiaE.htm>. See also a discussion of the impact of the scholarships during the first four months of implementation in Lisa A. Cameron, *Did Social Safety Net Scholarships Reduce Drop-Out Rates During the Indonesian Economic Crisis?*, Report No. 2800, World Bank, Washington, D.C., March 2002, [cited December 20, 2002]; available from <http://econ.worldbank.org/view.php?type=5&id=13160>.

¹⁸³⁷ Three junior secondary education projects focus on Central Indonesia (no. P003987), East Java/East Nusa Tenggara (no. P037097), and Sumatra (no. P041894). Three basic education projects focus on Sulawesi/Eastern Islands (no. P041895), Sumatera (no. P040196), and West Java (no. P039644). The Secondary School Teacher Development Project (no. P004003) was approved 2/96 and ends 12/02. World Bank, *Spreadsheet on Active Education Projects in Indonesia*, [online] [cited December 18, 2002]; available from <http://www.worldbank.org>.

¹⁸³⁸ World Bank, *Indonesia - Urban Poverty Project (02)*, IDPE72852, May 28, 2002, [cited August 30, 2002], 2; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P072852>.

¹⁸³⁹ AusAID, *Country Brief Indonesia*, [online] [cited September 5, 2002]; available from <http://www.ausaid.gov.au/country/default.cfm>.

¹⁸⁴⁰ USAID, *USAID Assistance to Indonesia*, Jakarta, [cited August 22, 2002]; available from www.usaid.gov/id/overview032002.pdf.

¹⁸⁴¹ UNICEF provides education supplies nationwide, and conducts primary school assessments to determine schooling needs. Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. UNICEF, *UNICEF Humanitarian Action Donor Update - Indonesia*, May 29, 2002, [cited October 3, 2002], 2; available from <http://www.unicef.org/emerg/Country/Indonesia/020529.PDF>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 7.8 percent of children ages 10 to 14 years in Indonesia were working.¹⁸⁴² A 2000 report by the Government of Indonesia and UNICEF found that children were increasingly working in exploitative and hazardous activities such as garbage scavenging, street peddling, domestic servitude, and commercial sexual exploitation.¹⁸⁴³ Children are exploited in prostitution, are used in the production of pornography and are the victims of sex tourists.¹⁸⁴⁴ Children are also engaged in the production, transportation and sale of drugs, such as methamphetamines.¹⁸⁴⁵ In North Sumatra, boys work on fishing platforms called *jermals* for 12 to 13 hours per day, often in dangerous conditions.¹⁸⁴⁶ In addition, paramilitary groups and civilian militias, such as The Free Aceh Movement, have allegedly recruited children to serve in some capacity in armed conflicts.¹⁸⁴⁷ Trafficking is a significant problem in Indonesia. Children, primarily girls, are trafficked for sexual exploitation and labor both within Indonesia and to international locations.¹⁸⁴⁸

¹⁸⁴² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1996, a Labor Force Survey by the Indonesian Central Bureau of Statistics estimated that 8.5 percent (1.9 million) of children between ages 10 and 14 in Indonesia were working. See Nafsiah Mboi and Irwanto, *Indonesian Experience With Child Labor: Looking for Best Practices*, ILO-IPEC, Jakarta, 1998, 20, 21. A 1999 National Socioeconomic Survey found that 10 percent of children between ages 10 and 14 worked. See P. Irwan, H. Hendriati, and Y. Hestyani, *Alternative Education Strategies for the Young Disadvantaged Groups in Indonesia*, UNESCO, Jakarta, 1999, as cited in Peter Stalker, *Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis*, UNICEF Innocenti Research Centre, Florence, 2000, 2.

¹⁸⁴³ Government of Indonesia and UNICEF, *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000*, Jakarta, 2000, vi. See also Mohammad Farid, "Sexual Abuse, Sexual Exploitation, and the Commercial Sexual Exploitation of Children," in Irwanto, Mohammad Farid, and Jeffry Anwar, *Situational Analysis of Children in Need of Special Protection in Indonesia*, CSDS Atma Jaya, Department of Social Affairs, and UNICEF, Jakarta, 1998, 96-97.

¹⁸⁴⁴ ECPAT International, *Indonesia*, ECPAT International, [database online] [cited March 10, 2003]; available from <http://www.ecpat.org/>. The Protection Project, *A Human Rights Report on Trafficking of Persons, Especially Women and Children: Indonesia*, Washington, DC, March 2002; available from <http://www.protectionproject.org>. A 1998 study found widespread involvement of children in prostitution in Indonesia, estimating that 30 percent of all sex workers are under the age of 18, or between 40,000 and 70,000 children. See G.W. Jones, E. Sulistyaningsih, and T.H. Hull, *Prostitution in Indonesia*, Canberra: Australian National University, 1995 as cited in Irwanto, Farid, and Anwar, *Situational Analysis of Children*.

¹⁸⁴⁵ 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.

¹⁸⁴⁶ ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector (Phase 1)*, 2-3.

¹⁸⁴⁷ The Free Aceh Movement is known in Indonesia as Gerakan Aceh Merdeka. Both voluntary and forcible recruitment measures are reportedly used by these groups. In addition, the Indonesian armed forces have allegedly begun recruiting children to act as informers, although no children are said to serve in the actual military. Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2, 2002, [cited November 8, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>. See also John McBeth, "Children of War," *Far Eastern Economic Review*, May 2, 2002.

¹⁸⁴⁸ U.S. Department of State, *Trafficking in Persons Report: Indonesia*, 61. Police have detected trafficking syndicates bringing women and children to brothels in Java, Bali, Sumatra, the Maluku, Sulawesi, and Irian Jaya. U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6f.

Children work in agriculture on tea, chocolate, rubber, and coffee commercial farms.¹⁸⁴⁹ Children work in various industries, including the rattan and wood furniture, garments, footwear, food processing, toy-making, and small-scale mining sectors. Other children work in industrial sectors such as construction, quarrying, gold mining, and pearl diving.¹⁸⁵⁰ Children are also working in the informal sectors, selling newspapers, shining shoes, scavenging, or working beside their parents in family businesses or cottage industries.¹⁸⁵¹

Presidential Instruction No. 1 of 1994 provides for compulsory basic education for children ages 7 through 15.¹⁸⁵² Education is not free in Indonesia. Families must pay tuition, cover the cost of uniforms and supplies, and pay fees for parent-teacher associations.¹⁸⁵³ In 1997, the gross primary enrollment rate was 113.6 percent. The net primary enrollment rate was 95 percent, with 92.8 percent of girls enrolled as opposed to 97.1 percent of boys.¹⁸⁵⁴ Attendance rates are not available for Indonesia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁸⁵⁵ In 2000, UNICEF reported that 20 percent of children fail to complete their primary education, and 30 percent of children ages 13 to 15 years old are not in school.¹⁸⁵⁶

Child Labor Laws and Enforcement

In April 1999, Indonesian law raised the minimum age for employment from 14 to 15 years.¹⁸⁵⁷ Decree No. 5 of January 2001 on the Control of Child Workers calls for programs to remove children from hazardous work and assist them in returning to school.¹⁸⁵⁸ The Protection of Children Forced to Work Regulation of 1987 allows children under the age of 14 to engage in certain types of work if they need to contribute to family income, and requires employers to report the number of children working.¹⁸⁵⁹ It is illegal, with a maximum sentence of four years

¹⁸⁴⁹ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

¹⁸⁵⁰ U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6d.

¹⁸⁵¹ Government of Indonesia, *The National Plan of Action*, 1.

¹⁸⁵² *Ibid.*, 3.

¹⁸⁵³ Stalker, *Beyond Krismon*, 19.

¹⁸⁵⁴ UNESCO, *EFA: Year 2000 Assessment*.

¹⁸⁵⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁸⁵⁶ Stalker, *Beyond Krismon*, 19. According to 1999 data from the Indonesian Ministry of Education and ILO, close to 12 million school age children did not attend school between 2000 and 2001. U.S. Department of State, *Country Reports- 2001: Indonesia*, 985-96, Section 5.

¹⁸⁵⁷ U.S. Embassy- Jakarta, *unclassified telegram no. 4679*, September 2000. Labor inspectors who received training on child labor in 2001 did not remove any children from work over the period. See U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6d.

¹⁸⁵⁸ The Ministry of Home Affairs and Regional Autonomy is tasked. Government of Indonesia, *Control of Child Workers Decree of the Minister of Home Affairs and Regional Autonomy*, 1991, No. 5 of 2001, (January 8, 2001), [cited September 20, 2002]; available from <http://natlex.ilo.org>.

¹⁸⁵⁹ U.S. Department of State, *Country Reports- 2001: Indonesia*, 996-1003, Section 6d.

imprisonment, for anyone exercising legal custody of a child under 12 to submit 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.¹⁸⁶⁰

The Penal Code prohibits engaging in an obscene act with a person below 15 years of age. The penalty for violations is up to seven years in prison. The use of force or threats increases the penalties.¹⁸⁶¹ The Penal Code also prohibits trafficking of women and younger boys, with a maximum penalty of six years imprisonment for violations.¹⁸⁶² The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.¹⁸⁶³ President Megawati signed the National Child Protection Act into law on October 22, 2002. The law provides a stronger legal basis for protecting children from a variety of abuses. The Act specifically addresses economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in narcotics and in armed conflict.¹⁸⁶⁴

Due in part to a lack of resources, the government does not enforce child labor laws in an effective or thorough manner.¹⁸⁶⁵

The Government of Indonesia ratified ILO Convention 138 on June 7, 1999 and ILO Convention 182 on March 28, 2000.¹⁸⁶⁶

¹⁸⁶⁰ Government of Indonesia, *Penal Code*, Article 130 [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/IndonesiaF.pdf>.

¹⁸⁶¹ *Ibid.*, Articles 289-90.

¹⁸⁶² *Ibid.*, Article 297. Efforts to deal with trafficking are impeded by lack of funds, weak border controls, and official corruption. However, the government has increased the national budget for counter-trafficking efforts. U.S. Department of State, *Trafficking in Persons Report: Indonesia*, 61.

¹⁸⁶³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*.

¹⁸⁶⁴ The law provides criminal penalties and jail terms for persons who violate children's rights. See Government of Indonesia, *National Child Protection Act*; available from http://www.ri.go.id/produk_uu/uu-2002.htm. See also U.S. Department of State official, electronic communication to USDOL official, February 12, 2003.

¹⁸⁶⁵ U.S. Embassy- Jakarta, *unclassified telegram no. 4679*.

¹⁸⁶⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 24, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Jamaica

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

The Government of Jamaica became a member of ILO-IPEC in September 2000. With funding from USDOL, the Government of Jamaica is implementing a two-year comprehensive national program in cooperation with ILO-IPEC to collect baseline information on the extent of child labor in the country, and to provide a range of services to address the problem of child labor in commercial sexual exploitation, fishing, tourism, and informal urban sectors.¹⁸⁶⁷ This project is also supporting a national child labor survey to be conducted by the Statistical Institute of Jamaica (STATIN) with technical assistance from ILO-IPEC's SIMPOC.¹⁸⁶⁸

In 1996, the government launched a National Plan of Action for Children to provide universal access to basic education, reintegrate street children into school and develop a comprehensive national policy statement on children.¹⁸⁶⁹ In 2001, the government opened a center for street children through the Possibilities Program, which provides resocialization and skills training.¹⁸⁷⁰

In 1997, the government signed an agreement with the World Bank and other donors for a Social Investment Fund to support social assistance and income generation activities.¹⁸⁷¹ The government also collaborated with UNICEF on the Child and Youth At Risk Program designed to address child labor issues and increase school attendance through poverty alleviation efforts and a public-awareness campaign. However, it is reported that the effectiveness of these activities has been hampered by the country's poor economic conditions, limited resources and lack of information about the full extent of the country's child labor problem.¹⁸⁷² The Ministry of Education has instituted a cost-sharing program to help parents pay school fees at the secondary level.¹⁸⁷³

During the mid-to-late-1990s, the government implemented several reforms to its educational systems designed to correct inequities in access to quality education and to improve educational achievement. These included curriculum revisions, construction of more classroom space, a grade four literacy test, provision of textbooks and school meals, and other efforts.¹⁸⁷⁴

¹⁸⁶⁷ 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, 13.

¹⁸⁶⁸ Ibid., Annex 1.

¹⁸⁶⁹ Ibid., 11.

¹⁸⁷⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Jamaica*, Washington, D.C., March 4, 2002, 2915-16, Section 5 [cited December 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8325.htm>.

¹⁸⁷¹ ILO-IPEC, *National Programme Jamaica*, project document, 12.

¹⁸⁷² U.S. Embassy- Kingston, *unclassified telegram no. 1622*, June 2000.

¹⁸⁷³ U.S. Embassy- Kingston, *unclassified telegram no. 2589*, October 2001.

¹⁸⁷⁴ ILO-IPEC, *National Programme Jamaica*, project document, 12-13.

Incidence and Nature of Child Labor

Recent statistics on the number of working children under the age of 15 in Jamaica are unavailable. In 1994, a labor force survey conducted by STATIN, in collaboration with UNICEF, estimated that 4.6 percent of children ages 6 to 16 years were working in Jamaica. According to the survey, 22,000 children were working.¹⁸⁷⁵ Although it is dated, this statistic provides the best available estimate on the number of children working. It will be replaced with the final SIMPOC results, as soon as the survey is complete. While child labor is not reported to be a significant problem in Jamaica's formal industrial sector,¹⁸⁷⁶ children are found working in informal activities, notably in fishing, agriculture and tourism.¹⁸⁷⁷

Child labor is largely urban-based, the result of high levels of poverty and the lack of family income.¹⁸⁷⁸ Children live and work on the streets in increasing numbers in Jamaica,¹⁸⁷⁹ and are involved in such activities as begging, newspaper and cigarette vending, cart pushing, and windshield washing. Children also work as shop assistants and domestic servants.¹⁸⁸⁰ In some villages, children catch, scale and gut fish.¹⁸⁸¹ In agriculture, children work on family farms and with the cultivation and harvesting of marijuana.¹⁸⁸² In tourist towns, children are reported to work in kitchens, hotels and recreational and cultural activities.¹⁸⁸³

A study funded by ILO-IPEC found that children as young as 10 years old work as prostitutes, catering to tourists in areas such as Montego Bay, Kingston and Negril,¹⁸⁸⁴ while other young girls are hired by go-go clubs or massage parlors.¹⁸⁸⁵

Under the Education Act of 1965, school is free and compulsory for children between the ages of 6 and 12 years.¹⁸⁸⁶ In 1998, the gross primary enrollment rate was 97.7 percent, and the net primary

¹⁸⁷⁵ Ibid., 7.

¹⁸⁷⁶ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

¹⁸⁷⁷ ILO-IPEC, *National Programme Jamaica, project document*, 7,8.

¹⁸⁷⁸ Government of Jamaica, *End Decade Assessment of World Summit for Children Year 2000 Goals, National Report: Jamaica*, UNICEF, New York, November 2000, 51 [cited September 6, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_jamaica_en.PDF.

¹⁸⁷⁹ Ibid.

¹⁸⁸⁰ ILO-IPEC, *National Programme Jamaica, project document*, 7-8.

¹⁸⁸¹ Claudette Richardson-Pious, Executive Director, Children First, interview with USDOL official, July 2000.

¹⁸⁸² ILO-IPEC, *National Programme Jamaica, project document*, 7.

¹⁸⁸³ Ibid.

¹⁸⁸⁴ ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, 13. See also ECPAT International, *Jamaica*, in ECPAT International, [database online] 2002 [cited September 6, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

¹⁸⁸⁵ ILO-IPEC, *Situation of Children in Prostitution*, 13.

¹⁸⁸⁶ UNESCO, *Index of Education Systems: Jamaica*, UNESCO, [cited September 6, 2002]; available from <http://www.unesco.org/iau/cd-data/jm.rtf>.

enrollment rate was 92.4 percent.¹⁸⁸⁷ In spite of high enrollment rates, many Jamaican children (between 19 and 25 percent) fail to attend primary school regularly.¹⁸⁸⁸ Some families keep their children home because they cannot afford to pay school expenses.¹⁸⁸⁹ Although schooling is free at the primary level, reports indicate that some local schools and parent teacher organizations nonetheless collected fees.¹⁸⁹⁰ Other reports attribute low school attendance to the lack of relevant curricula, the lack of space in schools (especially at the secondary level) and the low quality of instruction.¹⁸⁹¹

Child Labor Laws and Enforcement

The Juveniles Act of 1951 prohibits the employment of children under the age of 12 years, except in family domestic, agricultural or horticultural work.¹⁸⁹² Children under 15 may not be employed in industrial work. They are also prohibited from working on ships, except where only family members are employed.¹⁸⁹³ Children under 16 are prohibited from night work and from begging.¹⁸⁹⁴ Forced labor is not specifically banned.¹⁸⁹⁵ The Criminal Code prohibits procuring a girl under 18 years of age for the purposes of prostitution, and while there is no comprehensive law against trafficking in persons, the Criminal Code prohibits procuring a woman or girl to leave the island for work in prostitution.¹⁸⁹⁶ Immigration or customs laws may also be applied to prosecute cases of child trafficking.¹⁸⁹⁷

Jamaica's police are responsible for addressing child labor related complaints, while the Ministry of Health places children in safe locations once they are withdrawn from work.¹⁸⁹⁸ Under the Juveniles Act, child labor violators can be subject to a fine of JMD 50 (USD 1) or three months imprisonment.¹⁸⁹⁹ Acts of prostitution in violation of the Criminal Code are punishable by up to

¹⁸⁸⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁸⁸⁸ UNICEF, *Changing the Future for Jamaica's Children*, Kingston, August 1999, 5, 6.

¹⁸⁸⁹ Ibid. See also ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Part II, Compilation of Annual Reports by the International Labor Office*, Geneva, March 2000, 299.

¹⁸⁹⁰ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

¹⁸⁹¹ ILO-IPEC, *National Programme Jamaica, project document*, 9-11. See also UNICEF, *Changing the Future*, 6.

¹⁸⁹² *Juveniles Act of 1951*, Part 8, Section 71.

¹⁸⁹³ Ibid., Part 8, Section 72. Industrial activities prohibited for children under 15 include mines, quarries, breweries, shipbuilding, and factories. Embassy of Jamaica, *Submission to USDOL regarding Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor*, Washington, D.C., September 6, 2000, 1.

¹⁸⁹⁴ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

¹⁸⁹⁵ U.S. Department of State, *Country Reports- 2001: Jamaica*, 2916-17, Section 6c.

¹⁸⁹⁶ Government of Jamaica, *Criminal Code*, Articles 58(a) and 58(c) [cited December 23, 2002]; available from <http://www.protectionproject.org>.

¹⁸⁹⁷ U.S. Department of State, *Country Reports- 2001: Jamaica*, 2916-17, Section 6f.

¹⁸⁹⁸ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

¹⁸⁹⁹ Ibid. For currency conversion see FX Converter, [online] [cited September 6, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

three years imprisonment.¹⁹⁰⁰ Enforcement of child labor laws in the informal sector is reported to be inadequate.¹⁹⁰¹ There is limited information available on prosecutions or convictions for related offenses, 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.¹⁹⁰²

The Government of Jamaica has not ratified ILO Convention 138 or ILO Convention 182.¹⁹⁰³

¹⁹⁰⁰ *Criminal Code*, Article 58.

¹⁹⁰¹ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

¹⁹⁰² U.S. Embassy- Kingston, *unclassified telegram no. 2907*, October 2002.

¹⁹⁰³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 6, 2002]; available from <http://ilolex.ilo.ch:1567/cgi-lex/ratifice.pl?Jamaica>.

Jordan

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

The Government of Jordan has been a member of ILO-IPEC since 2000.¹⁹⁰⁴ Queen Noor established the National Task Force for Children (NTFC) in 1995. The NTFC conducted its first national study on child labor in 1997.¹⁹⁰⁵ The Ministry of Labour initiated an ILO-IPEC Action Program in January 2001. As a result, the Child Labour Unit (CLU) was established. The CLU developed a database on child labor issues and is in the process of establishing a National Policy and Program Framework, which will provide policy makers with a country-wide strategy for the elimination of the worst forms of child labor.¹⁹⁰⁶

In 2002, USDOL funded an ILO-IPEC national program in Jordan.¹⁹⁰⁷ The program aims to withdraw approximately 3,000 child workers from the worst forms of child labor, mainstream them into non-formal and formal education programs, provide them with pre-vocational and vocational training, and support them with counseling, health care and recreational activities.¹⁹⁰⁸

The government has placed a strong emphasis on providing education for all. A ten-year education reform program was initiated in 1987. Two subsequent Human Resources Development Sector Investment programs were financed by the government, World Bank, the Government of Japan, and other technical agencies. An Education Plan of Jordan was implemented from 1988-1995 and was funded by the government, World Bank, the Government of Japan, USAID, and the United Kingdom's Department for International Development.¹⁹⁰⁹ The second Education Development Plan ran from 1996-1999 and the third is scheduled to run from 1999-2003. Progress in literacy, enrollment, and numbers of students and teachers has been made throughout the course of these three plans.¹⁹¹⁰ More recently, the government has recognized the link between lack of education and child labor, and the Ministry of Education has taken steps to address child labor issues in its 2003-2015 Educational Development Plan.¹⁹¹¹

¹⁹⁰⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 8, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁹⁰⁵ ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jordan*, project document, JOR/02/P50/USA, Geneva, September 2002, 7. Also see H.M. Queen Noor, *National Task Force for Children*, [online] 2002 [cited August 8, 2002]; available from <http://www.noor.gov.jo/main/ntfc.htm>.

¹⁹⁰⁶ ILO-IPEC, *National Programme Jordan*, project document, 24-25.

¹⁹⁰⁷ Ibid., cover.

¹⁹⁰⁸ Ibid., 26-27.

¹⁹⁰⁹ Ibid., 3.

¹⁹¹⁰ Ibid., 3-4.

¹⁹¹¹ Ibid., 6.

Incidence and Nature of Child Labor

Recent statistics on the number of working children under the age of 15 in Jordan are unavailable. In 1997, the Department of Statistics estimated that approximately 13 percent of boys ages 15 to 16 years and 1.1 percent of girls of that age were working.¹⁹¹² A Ministry of Labour study published in 2002 stated that children are employed in automobile repair, carpentry, sales, blacksmith shops, tailoring, construction, and food services.¹⁹¹³ Child vendors on the streets of Amman work selling newspapers, food and gum. Other children provide an important source of income for their families by rummaging through trash dumpsters to find recyclable items.¹⁹¹⁴

Education in Jordan is free and compulsory for 10 years, including six years of primary education and four years of secondary education. The Ministry of Education is required to open a school in every community where there are at least 10 students for grades one through four.¹⁹¹⁵ The government spends about 11 percent of its annual budget on education.¹⁹¹⁶ In 1998, gross primary enrollment was 68.9 percent and net primary enrollment was 63.9 percent.¹⁹¹⁷ Rural drop-out rates were high, particularly after the age of 13.¹⁹¹⁸ The primary reasons for dropping out of school are financial pressures, poverty, disability, poor performance, teaching styles, parental attitudes, and lack of adequate transportation.¹⁹¹⁹ The 2001 Ministry of Labor study indicated that most of child workers interviewed had completed nine years of education or more.¹⁹²⁰

Child Labor Laws and Enforcement

In 1996, the Labor Code was amended to raise the minimum legal working age from 13 to 16 years.¹⁹²¹ The law prohibits the employment of children under the age of 17 in dangerous and hazardous work.¹⁹²² Minors must be given a break after four hours work, are not allowed to work

¹⁹¹² Mohammad Shahateet and Nihava Issa Dabdub, *A Report on the Status of Child Labour in Jordan 2001*, The Jordanian Ministry of Labour, Amman, July 2002, 10.

¹⁹¹³ *Ibid.*, 15-16.

¹⁹¹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Jordan*, Washington, D.C., March 4, 2002, 2147-51, Section 5 [cited December 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8266.htm>.

¹⁹¹⁵ ILO-IPEC, *National Programme Jordan*, project document, 5.

¹⁹¹⁶ Approximately 73 percent of the total student population attend government schools, 15 percent private schools, and 12 percent United Nations Relief Work Agency (UNRWA) schools. *Ibid.*, 3, 5.

¹⁹¹⁷ In 1998, the GPE was 68.9 percent for females and 68.4 percent for boys, while the NPE was 64.6 for females and 63.3 for males. World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁹¹⁸ ILO-IPEC, *National Programme Jordan*, project document, 6.

¹⁹¹⁹ These reasons are based on two studies. One was conducted in 1995 and the other in 2001. *Ibid.*

¹⁹²⁰ This study was based on 2,539 working children. Shahateet and Dabdub, *Child Labour in Jordan 2001*, 9 and 23.

¹⁹²¹ Government of Jordan, *Labour Code, Law No. 8 of 1996*, (March 2, 1996), Section 73 [cited December 23, 2002]; available from <http://natlex.ilo.org/txt/E96JOR01.htm>. See also U.S. Embassy- Amman, *unclassified telegram no. 3340*, June 2000.

¹⁹²² *Labour Code*, Section 74.

more than six hours per day, and may not work during weekends and holidays, or at night.¹⁹²³ Before hiring a minor, a prospective employer must obtain a guardian's written approval, the minor's birth certificate, and a health certificate.¹⁹²⁴ An employer found in violation of these provisions will face a fine ranging from 100 to 500 dinars (USD 142 to 710). The fine will double with each subsequent infraction.¹⁹²⁵ Compulsory labor is prohibited by the Constitution of Jordan.¹⁹²⁶

The Ministry of Labour's CLU's main responsibilities are to monitor child labor, collect and analyze data, and review and ensure the enforcement of existing legislation. There are 81 labor inspectors in the country, 35 of which have received training on issues of child labor. These inspectors play a critical role in combating child labor.¹⁹²⁷

The Government of Jordan ratified ILO Convention 138 on March 23, 1998 and ILO Convention 182 on April 20, 2000.¹⁹²⁸

¹⁹²³ The Code does not specify the age of a minor. Young people are defined individuals of either sex who have not yet reached 18 years of age. In other cases, the use of the term "minor" is qualified as to specify an age. For example, see Section 73 "no minor under sixteen" or Section 74 "no minor under seventeen." Therefore, it is reasonable to assume that the term "young person" is synonymous with "minor," meaning any person under 18 years of age. Definitions can be found in Section 2 of the code. Ibid., Section 75.

¹⁹²⁴ Ibid., Section 76.

¹⁹²⁵ Ibid., Section 77. For currency conversion, see FX Converter, [online] [cited August 13, 2002]; available from <http://www.oanda.com/>.

¹⁹²⁶ *Constitution of the Hashemite Kingdom of Jordan*, Chapter 2, Article 13 [cited October 25, 2001]; available from <http://www.parliament.gov.jo/english/legislative/constit.htm>.

¹⁹²⁷ ILO-IPEC, *National Programme Jordan*, project document, 20.

¹⁹²⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Kazakhstan

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

The Government of Kazakhstan is an associated country of ILO-IPEC.¹⁹²⁹ The National Commission for Women's and Family Issues is leading efforts to combat trafficking of women and girls in Kazakhstan.¹⁹³⁰ With funding from USAID, IOM is implementing an anti-trafficking program in cooperation with government ministries that aims to raise awareness and develop a preventative action plan for the country.¹⁹³¹

It is mandated that Universal Compulsory Secondary Education Funds be established at schools in Kazakhstan in order to pay for education expenses, including clothes, shoes, textbooks, training aids, and school meals. The funds are provided by local governments and private sources (such as sponsorships) and total no less than 1 percent of the schools' current operational budgets, and are used to support needy and secondary school students.¹⁹³² Local education bodies also provide regular reports on the progress toward the goal of universal education.¹⁹³³ International organizations, such as UNICEF and UNESCO, also have implemented programs aimed at improving the country's education system.¹⁹³⁴

Incidence and Nature of Child Labor

The 1999 ILO Yearbook of Labor Statistics reported that 0.1 percent of children ages 10 to 14 years in Kazakhstan were working.¹⁹³⁵ However, in 1996, a national household survey on living standards found that 31.1 percent of children ages 7 to 14 were working or working and studying.

¹⁹²⁹ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002* (Geneva: ILO, 2002), 16.

¹⁹³⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Kazakhstan*, Washington, D.C., March 4, 2002, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8275.htm>.

¹⁹³¹ Other participating organizations include businesses and NGOs. See USAID, *Selected USAID Anti-Trafficking Efforts in Central Europe and the Former Soviet Union*, (USAID's Women in Development Publications), September 2001 [cited November 15, 2002]; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>.

¹⁹³² Resolution #812 on Measures to Promote Further Reforms of Secondary Education System of the Republic of Kazakhstan, August 28, 1998 as cited in UNESCO, *Education for All 2000 Assessment: Country Report - Kazakhstan*, prepared by Ministry of Health, Education, and Sports, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/kazakhstan/contents.html>.

¹⁹³³ Ibid.

¹⁹³⁴ Dr. Serikzhan H. Bereshev and James G. Windell, *Child Labour in Kazakhstan*, A report prepared for ILO-IPEC, ILO, Geneva, September 1997., 19. See also USAID, *Kazakhstan*, [online] 2002 [cited November 16, 2002]; available from <http://www.usaid.gov/country/ee/kz/#tup>. UNICEF is implementing a public awareness campaign on the rights of the child, in addition to running a major health and education program in Kazakhstan, Turkmenistan, and Uzbekistan. See A. Bauer, N. Boschmann, D. Jay Green, and K. Kuehnast, *A Generation at Risk, Children in the Central Asian Republics of Kazakhstan and Kyrgyzstan* (Asian Development Bank, 1998), 128.

¹⁹³⁵ ILO, *Yearbook of Labor Statistics: Kazakhstan*, Geneva, 1999.

The survey also found that a higher percentage of children in Central Kazakhstan work without attending school than in other regions of the country.¹⁹³⁶ Educators interviewed for the ILO-IPEC Child Labor Survey in Kazakhstan estimate that over one-half of all children participate in labor activities at some time during their childhood.¹⁹³⁷

Children in rural areas work in agriculture, generally on family farms.¹⁹³⁸ Children in urban areas, including many homeless and abandoned children, can be found working at gas stations selling newspapers, magazines and other goods, wiping windshields and cleaning cars, conducting buses, loading and unloading goods, and begging and working in bazaars and small businesses, often alongside their parents.¹⁹³⁹ Although the scope of the problem is unknown, local media reports indicate that child prostitution is a problem in Kazakhstan.¹⁹⁴⁰ There are also reports that children are sold or pawned by parents or guardians.¹⁹⁴¹ Kazakhstan is reported to be a source country for trafficking in children to the United Arab Emirates, Greece, Turkey, Israel, and South Korea.¹⁹⁴² There are some reports that Kazakhstan is a destination country for trafficking in children.¹⁹⁴³

Under the Education Law, school is free and compulsory through grade nine or up to the age of 16 years.¹⁹⁴⁴ In 1998, the gross primary enrollment rate was 97 percent.¹⁹⁴⁵ In 1995, the gross and net primary attendance rates were 116.9 and 90.1 percent, respectively.¹⁹⁴⁶ However, since 1991, government resources for education have declined by over 50 percent.¹⁹⁴⁷ In 1994-1995, a lack of funds, mainly for transportation and heat, led to the closure of numerous primary schools and pre-schools.¹⁹⁴⁸

¹⁹³⁶ Understanding Children's Work: An Inter-Agency Research Cooperation Project at Innocenti Research Center, *Kazakhstan Living Standards Survey*, [online] [cited September 18, 2002]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=1095.

¹⁹³⁷ Bereshev and Windell, *Child Labour in Kazakhstan*, 3.

¹⁹³⁸ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 39. See also U.S. Embassy - Almaty, unclassified telegram, no. 6573, October 2001.

¹⁹³⁹ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 39, 108. See also Bereshev and Windell, *Child Labour in Kazakhstan*, 3.

¹⁹⁴⁰ A survey of school-age girls in Almaty suggests that prostitution is regarded as an acceptable profession given serious family economic problems. See Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 114-115.

¹⁹⁴¹ *Ibid.*, 108.

¹⁹⁴² U.S. Department of State, *Country Reports- 2001: Kazakhstan*, Section 6f.

¹⁹⁴³ *Ibid.* See also U.S. Department of State official, electronic communication to USDOL official, February 2003.

¹⁹⁴⁴ Students may begin technical training at grade 9. See U.S. Department of State, *Country Reports- 2001: Kazakhstan*, at Section 5.

¹⁹⁴⁵ *World Development Indicators 2002* [CD ROM], Washington DC, 2002.

¹⁹⁴⁶ USAID, *Demographic Health Survey 2002*.

¹⁹⁴⁷ Bereshev and Windell, *Child Labour in Kazakhstan*, 18. In 1990, 24.5 percent of the budget expenditures and 5.7 percent of GDP were spent on education. In 1998, percentages for budget expenditures and GDP were 11.2 and 3.0 respectively. See UNESCO, *Education for All 2000 Assessment*.

¹⁹⁴⁸ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 46, 48. See also Bereshev and Windell, *Child Labour in Kazakhstan*, 19.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years with parental consent and providing that the work does not interfere with school attendance or pose a health threat.¹⁹⁴⁹ Children 16 years and older may independently sign work contracts.¹⁹⁵⁰ Children under 18 years are prohibited from working in dangerous conditions, overtime or at night.¹⁹⁵¹

The Ministry of Labor is responsible for enforcing child labor laws.¹⁹⁵² State labor inspectors are responsible for following up on labor-related complaints, conducting random inspections and levying steep fines for labor law violations.¹⁹⁵³ However, reports indicate that regulations are inadequately enforced.¹⁹⁵⁴ The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.¹⁹⁵⁵ Involving a minor in prostitution, begging or gambling is illegal under the Criminal Code and punishable by up to three years imprisonment.¹⁹⁵⁶ Trafficking of children is prohibited.¹⁹⁵⁷

The Government of Kazakhstan ratified ILO Convention 138 on May 18, 2001 and ratified ILO Convention 182 on February 26, 2003.¹⁹⁵⁸

¹⁹⁴⁹ The Government of Kazakhstan, *Labour Law of the Republic of Kazakhstan*, 1999; available from <http://natlex.ilo.org/txt/E99KAZ01.htm>, Section 11, no. 3.

¹⁹⁵⁰ *Ibid.*, Section 11, no. 1.

¹⁹⁵¹ Children between ages 16 and 18 may not work more than 36 hours per week. Children between ages 15 and 16 (or 14 and 16 years during non-school periods) may not work over 24 hours per week. *Ibid.*, Section 46-49.

¹⁹⁵² U.S. Department of State, *Country Reports- 2001: Kazakhstan.*, Section 6d

¹⁹⁵³ The Administrative Code gives inspectors the authority to fine individuals guilty of violating labor legislation. However, the Criminal Code give the Prosecutors Office responsibility for prosecuting cases in which child labor is used illegally. The Criminal Code imposes fines of up to USD 25,000 (3,675,000 tenge) and two years imprisonment for employing a child under unhealthy or injurious conditions. See U.S. Embassy - Almaty, *unclassified telegram no. 6573*. See also U.S. Department of State, *Country Reports- 2001: Kazakhstan.*, Section 6d.

¹⁹⁵⁴ Bereshev and Windell, *Child Labour in Kazakhstan.*, 18

¹⁹⁵⁵ Government of Kazakhstan, *The Constitution of the Republic of Kazakhstan*; available from http://www.president.kz/articles/state/state_container.asp?Ing=eng&art=constitution, Article 24. See also The Government of Kazakhstan, *Labour Law.*, Section 6

¹⁹⁵⁶ Article 201 in the Criminal Code cited in The Protection Project, *Human Rights Report on Trafficking of Women and Children: Kazakhstan*, [online] [cited September 18, 2002]; available from <http://www.protectionproject.org>.

¹⁹⁵⁷ U.S. Department of State, *Trafficking in Persons Report- 2002: Kazakhstan*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/>.

¹⁹⁵⁸ ILOLEX, *Database on International Labour Standards: Kazakhstan - Ratifications*, [online] 2002 [cited September 20, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

Kenya

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

In 1992, the Government of Kenya became one of the first six members of ILO-IPEC.¹⁹⁵⁹ In order to improve institutional capacity to eliminate child labor, the government is working with ILO-IPEC and other development partners to build the capacity of the Ministry of Labor and Human Resources, the Department of Children's Services in the Ministry of Home Affairs, Heritage and Sports, and the Ministry of Education to enforce child labor legislation.¹⁹⁶⁰ ILO-IPEC has also worked with the Central Organization of Trade Unions, the Federation of Kenya Employers and various NGOs to strengthen institutional capacity to address child labor issues.¹⁹⁶¹ By 2001, 67 ILO-IPEC programs on child labor had been launched targeting the commercial agriculture, construction, cross-border trade, domestic service, fishing, hotel and tourism, and quarrying and mining sectors.¹⁹⁶² Kenya is also participating in an ILO-IPEC regional program funded by USDOL to prevent children from entering, and withdraw and rehabilitate children engaged in, hazardous work in the commercial agriculture sector in East Africa.¹⁹⁶³ In September 2001, the Government of Kenya and ILO-IPEC released the results of an ILO-IPEC SIMPOC survey that collected national data on the incidence of child labor in Kenya from 1998 to 1999.¹⁹⁶⁴

The Government of Kenya has also received support from UNICEF, which is working to help formulate policy on issues affecting children and monitoring and evaluating efforts in the public sector and civil society to address child labor issues. Since 1999, UNICEF and the Government of Kenya have implemented projects for children in need of special protection. These programs have focused on street children, AIDS orphans and AIDS prevention, and on building the capacity to implement a broad based child welfare agenda.¹⁹⁶⁵ In 2001, USAID allocated money for a "Displaced Children and Orphans Fund" to support programs that would allow children from HIV/AIDS-affected families (including orphans) to benefit from home-based care and other programs.¹⁹⁶⁶

¹⁹⁵⁹ ILO-IPEC, *Kenya Country Program 1992-2001: Brief Profile of Activities*, Nairobi, May 2001, 1. See also ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2002 [cited November 15, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁹⁶⁰ Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, ILO, September 2001, 7-9 [cited August 13, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/kenya/report/ken98.pdf>.

¹⁹⁶¹ Ibid., 7-9.

¹⁹⁶² ILO-IPEC, *Brief Profile of Activities*, 1.

¹⁹⁶³ ILO-IPEC, *Regional Program on the Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa*, project document, RAF/00/P51/USA, Geneva, September 2000.

¹⁹⁶⁴ See generally Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*.

¹⁹⁶⁵ UNICEF, *Country Project Proposals, 1999-2003*, Nairobi, October 1998, 33.

¹⁹⁶⁶ Such children often are at risk for entering work. USAID, *USAID Congressional Budget Justification, 2002: Kenya*, [online] May 29, 2002 [cited September 10, 2002]; available from <http://www.usaid.gov/pubs/cbj2002/afr/ke/>.

In 1989, Kenya replaced its free system of education with a “cost sharing” system in which students pay both tuition and other associated schooling costs, totaling up to 65 percent of the recurrent costs of schools.¹⁹⁶⁷ This policy has reduced access to education for many poor children, and has led to a steady increase in the number of dropouts in Kenya.¹⁹⁶⁸ Furthermore, a teachers’ strike from September to October 2002 and continued problems in the education sector have led to disruptions in the provision of schooling.¹⁹⁶⁹

Incidence and Nature of Child Labor

Between 1998 and 1999, the Kenyan Central Bureau of Statistics estimated that 17.4 percent of all children ages 5 to 17 years were working in Kenya.¹⁹⁷⁰ According to the survey, children made up 14.4 percent of the total workforce in Kenya.¹⁹⁷¹ More children living in rural areas (19.7 percent) worked compared to children living in urban areas (9.0 percent).¹⁹⁷² The commercial or subsistence agriculture and fishing sectors employ the largest number of working children (57.6 percent), followed by the domestic service sector (17.9 percent).¹⁹⁷³ Children also work in construction, wholesale and retail trade, mining, and manufacturing.¹⁹⁷⁴ Children employed in the hotel industry are often drawn into commercial sex work.¹⁹⁷⁵ Street children are often engaged in odd jobs in the informal sector, prostitution, or various illegal activities often under the control of

¹⁹⁶⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Kenya*, Washington, D.C., March 4, 2002, 378-82, Section 5 [cited December 24, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8386.htm>. See also 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.

¹⁹⁶⁸ Integrated Regional Information Network, *Kenya: Focus on Challenges in the Education Sector*, IRINnews.org, [online] July 22, 2002 [cited September 17, 2002]; available from <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/c12980402b76b23085256bfe005d27e7?OpenDocument>.

¹⁹⁶⁹ Integrated Regional Information Network, “Kenya: Feature - Compromise Deal Ends Teachers’ Strike”, IRINnews.org, October 23, 2002, [cited November 16, 2002]; available from http://www.irinnews.org/report.asp?ReportID=30563&SelectRegion=East_Africa&SelectCountry=KENYA. In 1997, the Government increased teachers’ salaries by 200 percent, however, after the first phase of salary awards it asserted that it did not have the funds to complete the rest of the awards. 240,000 teachers were threatening to strike over this issue. See Integrated Regional Information Network, *Kenya: Focus on Challenges in the Education Sector*.

¹⁹⁷⁰ Child labor was defined as work undertaken by children 5 to 17 which hampers school attendance, is exploitative, and is hazardous or inappropriate for children. This definition includes the worst forms of child labor. See Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 33.

¹⁹⁷¹ Of the children surveyed for the SIMPOC survey, 78.7 percent worked as unpaid family workers in family farms or businesses and 18.5 percent worked for pay, and 1.6 percent were running their own businesses. See *Ibid.*, 33 and 36.

¹⁹⁷² *Ibid.*, 34.

¹⁹⁷³ *Ibid.*, 37.

¹⁹⁷⁴ Ministry of Education, *Action Program on Child Labor: Capacity Building for the Ministry of Education to Address the Problem of Child Labor Related Drop Out in Primary Schools in Kenya*, final report, ILO-IPEC, Nairobi, 1997, 60-70.

¹⁹⁷⁵ *Ibid.*, 69.

organized criminal groups.¹⁹⁷⁶ Cases of forced labor, in which children are loaned out to creditors to pay off family debt, have also been documented, primarily in rural areas.¹⁹⁷⁷

Education is compulsory for eight years, from the ages of 6 to 14.¹⁹⁷⁸ In 1998, the gross primary enrollment rate was 92.1 percent.¹⁹⁷⁹ Attendance rates are not available for Kenya. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁹⁸⁰ Of students enrolled in primary school in 1991, 47.2 percent completed the eighth grade in 1998. Of children who completed primary school, 44 percent transitioned to secondary school.¹⁹⁸¹ Progress is being made in improving school completion rates for girls; however, there is still a gender bias in access to education.¹⁹⁸²

Child Labor Laws and Enforcement

The Children's Act of 2001 prohibits all forms of child labor that would prevent children under 16 from going to school or that is exploitative and hazardous. The Children's Act also prohibits child sexual exploitation.¹⁹⁸³ The Constitution prohibits slavery, servitude and forced labor.¹⁹⁸⁴ The enforcement of child labor regulations involves multiple government agencies and institutions. At the ministerial level, the Ministry of Labor and Human Resource Development enforces child labor legislation.¹⁹⁸⁵ The Department of Children's Services (Office of the Vice President and the

¹⁹⁷⁶ Ibid., 70.

¹⁹⁷⁷ U.S. Department of State, *Country Reports- 2001: Kenya*, 382-85, Section 6d.

¹⁹⁷⁸ UNESCO, *Kenya-Education System: Structure of Education System: 2000-2001*, [online] [cited August 18, 2002]; available from www.unesco.org/iau/cd-data/ke.rtf.

¹⁹⁷⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington D.C., 2002.

¹⁹⁸⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁹⁸¹ Kenya CRC Coalition, *Supplementary Report: Kenya*, 5-6.

¹⁹⁸² Ibid., 5.

¹⁹⁸³ Integrated Regional Information Network, "Kenya: Focus on New Legislation and Hopes for Child Welfare", [online], March 1, 2002, [cited August 13, 2002]; available from http://www.irinnews.org/report.asp?ReportID=23483&SelectRegion=East_Africa&SelectCountry=KENYA. See also Judy Thongri, *The Children's Act Becomes Operational with Effect from March 1st, 2002*, news release, Federation of Women Lawyers-Kenya (FIDA Kenya), Nairobi, 2002, [cited August 13, 2002]; available from <http://www.fidakenya.org/Articles/ChildrensAct.asp>. According to the coalition of Kenyan NGOs that are involved in implementing the CRC, the enforcement of 63 pieces of existing legislation concerning child related issues needs to be reconciled to the Children's Act. See Kenya CRC Coalition, *Supplementary Report: Kenya*, 9. The Community Service Order (CSO) is one of the many existing laws that contradicts the Children's Act, because it allows children to be sentenced to community service work as a form of juvenile conviction. There is currently a move to draft new guidelines for the implementers of the CSO. Africa News Service, *Kenya: Children's Act Obstacle to CSO, Says Magistrate*, globalmarch.org, [online] April 22, 2002 [cited August 29, 2002]; available from www.globalmarch.org/clns/daily-news/april-2002/april-22-2002.htm.

¹⁹⁸⁴ *Constitution of Kenya, Revised Edition 1998*, Article 73 [cited September 9, 2002]; available from <http://kenya.rcbowen.com/constitution/>.

¹⁹⁸⁵ Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7.

Ministry of Home Affairs, Heritage and Sports) is responsible for the administration of all laws regarding children (particularly awareness raising regarding children's rights and the management of rehabilitation institutions). There are more than 80 Directorate of Occupational Health and Safety Services inspectors and 140 Ministry of Labor officers who have been trained in the detection and reporting of child labor.¹⁹⁸⁶ However, the number of inspectors is reported to be insufficient, and fines are not high enough to effectively deter employers from utilizing children under the minimum age.¹⁹⁸⁷

The Government of Kenya ratified ILO Convention 138 on April 9, 1979 and ILO Convention 182 on May 7, 2001.¹⁹⁸⁸

¹⁹⁸⁶ U.S. Embassy- Nairobi, *unclassified telegram no. 7028*, November 2001.

¹⁹⁸⁷ Ibid.

¹⁹⁸⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 15, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.

Kiribati

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

The Government of Kiribati is working with the ADB on the implementation of its 2002-2004 Country Strategy and Program to address key issues that include poverty reduction and human development. Part of its poverty reduction strategy and plan to invest in human capital development will focus on enhancing quality and relevant education and expanding the coverage of social services, particularly for people living in the outer islands.¹⁹⁸⁹ AusAID is also assisting the country to enhance the policy framework surrounding the education sector for the period between 1998 and 2005.¹⁹⁹⁰

The “Quality of Life Improvement” policy by the government includes a commitment to invest more financial resources in health, education, sports, and other activities that enhance the social, physical and economic environment for children. As a signatory to the Convention on the Rights of the Child, the government has made progress in reaching the Convention’s standards by amending the Film Education Act to protect children from pornography, assisting with the training of teachers, funding construction, providing teacher materials for the Early Care and Childhood Education centers, instituting vocation training centers, and expanding the education system.¹⁹⁹¹

The Ministry of Education, Training and Technology is responsible for implementing the National Development Strategy for 2000-2003 to improve the quality of education at each level. One of the primary goals is to increase access to education through the provision of universal education at little or no direct cost to parents throughout Kiribati, including the outer islands of Teraina and Tabuaeran. Increasing the availability of pre-schools, training teachers to adapt to changes in the new curriculum and renovating classrooms are all a part of the national policy to strengthen its education system.¹⁹⁹² UNICEF is also active in Kiribati implementing child and youth advocacy projects.¹⁹⁹³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kiribati are not available. Some children who are not in school are reported to work in the informal sector, either in small-

¹⁹⁸⁹ Asian Development Bank, *Country Strategy and Program Update (2002-2004): Kiribati*, July 2001, [cited December 23, 2002]; available from http://www.adb.org/Documents/CSPs/KIR/2001/CSP_KIR_2001.pdf.

¹⁹⁹⁰ AusAID, *Country Brief: Kiribati*, [online] 2002 [cited September 5, 2002]; available from <http://www.ausaid.gov.au/country/country.cfm?CountryId=20>.

¹⁹⁹¹ United Nations Special Session on Children, Statement by His Excellency Teburoro Tito, President of the Republic of Kiribati, May 10, 2002, [cited December 23, 2002]; available from <http://www.un.org/ga/children/kiribatiE.htm>.

¹⁹⁹² *Kiribati Education Policy: National Development Strategies 2002-2003*, [online] [cited August 8, 2002]; available from http://www.janeresture.com/kiribati_edupolicy/.

¹⁹⁹³ UNICEF, *UNICEF’s Programme of Assistance to Pacific Island Countries*, [online] [cited August 8, 2002]; available from http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm.

scale enterprises or in their homes.¹⁹⁹⁴ The Kiribati Chamber of Commerce has noticed an increase in the number of children working as vendors on the street, visiting households and in social establishments at night.¹⁹⁹⁵

Education is free and compulsory for nine years, until the age of 16.¹⁹⁹⁶ Basic education includes primary school for grades one through six, and Junior Secondary School for three additional grade levels.¹⁹⁹⁷ In 1998, the gross primary enrollment rate was 84.4 percent, and net primary enrollment rate was 70.7 percent.¹⁹⁹⁸ Attendance rates are not available for Kiribati. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁹⁹⁹ School quality and access to education are better in urban areas; schools in small communities on isolated islands are expensive to maintain.²⁰⁰⁰

Child Labor Laws and Enforcement

Part IX of the Employment Ordinance, "Employment of Children and Young Persons," sets the minimum age for employment at 14 years,²⁰⁰¹ and children under 16 years are prohibited from industrial employment or jobs aboard ships.²⁰⁰² The Constitution prohibits forced labor.²⁰⁰³ The Penal Code criminalizes the procurement of girls under 18 years of age for the purpose of sexual relations and establishes a penalty of two years imprisonment for offenses.²⁰⁰⁴ The Penal Code

¹⁹⁹⁴ Informal sector economic activities in the Pacific Islands include small-scale agriculture in rural areas and small enterprises or domestic services in urban areas. The informal sector is not widely visible in Pacific Island towns, because much of the activity is home-based. This makes it particularly difficult to monitor the extent of child labor practices. See United Nations Development Programme, *Pacific Human Development Report 1999*, Suva, Fiji Islands, June 1999, 41-42, 80, [cited December 23, 2002]; available from www.undp.org.fj/Pacific_Human_Dev_Report_1999.htm.

¹⁹⁹⁵ ILO, *Review of Annual Reports Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work, Part II*, Geneva, 2002, 386.

¹⁹⁹⁶ Ibid.

¹⁹⁹⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Kiribati*, Washington, D.C., March 4, 2002, 1021-22, Section 6d and 6f [cited December 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8323.htm>.

¹⁹⁹⁸ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

¹⁹⁹⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁰⁰⁰ United Nations Development Programme, *Pacific Human Development Report 1999*, 41.

²⁰⁰¹ ILO, *Review of Annual Reports 2002*, 384-87.

²⁰⁰² U.S. Department of State, *Country Reports- 2001: Kiribati*.

²⁰⁰³ *Constitution of Kiribati*, Chapter 2, Article 6 [cited October 25, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Kiribati_Constitution.html.

²⁰⁰⁴ *Kiribati Penal Code, 1977*, Article 136 [cited October 25, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Consolidation_1977/Kiribati_Penal_Code.html.

also bans parents or guardians from prostituting children under 15 years old.²⁰⁰⁵ Child labor laws are enforced by the Ministry of Commerce, Industry and Employment.²⁰⁰⁶

The Government of Kiribati has not ratified either ILO Convention 138 or ILO Convention 182.²⁰⁰⁷

²⁰⁰⁵ Ibid., Articles 141, 43.

²⁰⁰⁶ U.S. Department of State, *Country Reports- 2001: Kiribati*, Section 6d.

²⁰⁰⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 8, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Kyrgyzstan

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

The Government of Kyrgyzstan is an associated country of ILO-IPEC.²⁰⁰⁸ With funding from USAID, IOM is cooperating with the government to implement an anti-trafficking program that aims to raise awareness and develop a preventative action plan for the country.²⁰⁰⁹ Kyrgyzstan President Akayev signed the National Anti-Trafficking Plan on July 11, 2002.²⁰¹⁰

The government has recently set up an organization called New Generation, composed of international and national organizations, to focus on child welfare issues.²⁰¹¹ The Center for Child Protection established in 1998 by the “Children in Risk” organization cooperates with the Ministry of Education, Science and Culture, the Department of Employment and the Mayor of Bishkek to address child labor issues. The Center provides a safe house for homeless children, a medical program, a food program, and a professional orientation program to teach children involved in low-skilled work a trade.²⁰¹² The Center for Social Adaption, supported by Norwegian and UNDP funds, cares for homeless, abused and neglected children.²⁰¹³

²⁰⁰⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] 2002 [cited October 4, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. In 2001, ILO-IPEC conducted a study on child labor in Kyrgyzstan. See ILO-IPEC, *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 8.

²⁰⁰⁹ Other participating organizations include businesses and NGOs. USAID, *Trafficking in Persons, USAID's Response*, USAID's Office of Women in Development, Washington, D.C., September 2001, [cited December 27, 2002]; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>.

²⁰¹⁰ US Embassy- Bishkek, *unclassified telegram no. 1425*, September 2002.

²⁰¹¹ Education to Combat Abusive Child Labor, *Child Labor Country Briefs: Kyrgyzstan*, [online] January 15, 2002 [cited November 15, 2002], 4; available from <http://www.beps.net/ChildLabor/Database.htm>.

²⁰¹² “Children in Risk” is supported by the Holland Interchurch Aid and Interchurch Organization for Partnership Development. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 36.

²⁰¹³ Education to Combat Abusive Child Labor, *Child Labor Briefs*, 4. The Youth Human Rights Group focuses on eradicating youth illiteracy through legislative efforts. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 36. The Kyrgyz Children's Fund also monitors the situation of children in the country and advocates on their behalf. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Kyrgyz Republic*, Washington D.C., March 4, 2002, 1573-76, Section 5 [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8276.htm>.

The Government of Kyrgyzstan has made efforts to improve the educational sector through various national programs.²⁰¹⁴ Araket²⁰¹⁵ and Jetkincheck²⁰¹⁶ are national education programs that provide school supplies or other educational benefits for low-income families. The Ministry of Education, Science and Culture has taken steps to improve access to education by providing financial assistance and transportation to schools.²⁰¹⁷ In addition, the ADB supported the National Education Training Program (Bilim) project, which included measures to ensure access to schools among poor populations, restructure curricula, recruit and retain teachers, decentralize the education system, and rehabilitate school facilities.²⁰¹⁸

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kyrgyzstan are unavailable. However, 5,000 to 7,000 children are estimated to be living and working on the streets.²⁰¹⁹ Some of the common occupations in which children are engaged include selling goods (newspapers, cigarettes and candy), transportation (loading and unloading goods), collection (aluminum and bottles), begging, cleaning and repairing shoes, washing cars, agriculture, and prostitution.²⁰²⁰ In southern rural areas, children work in mines. Children are also reported to be pulled out of school to harvest cotton. During the summer, when school is out, they work on commercial tobacco farms.²⁰²¹ Some schools have also reportedly required students to participate in the tobacco

²⁰¹⁴ NGOs also work in education issues. A. Bauer, N. Boschmann, D. Jay Green, and K. Kuehnast, *A Generation at Risk: Children in the Central Asian Republics of Kazakhstan and Kyrgyzstan*, Asian Development Bank, April 1998, 120. See also ILO-IPEC, *Child Labor in Kyrgyzstan*, 33.

²⁰¹⁵ *Araket* aims to improve the economy, eliminate poverty, and advance education. See UNESCO, *Education for All 2000 Assessment: Country Reports-Kyrgyz Republic*, prepared by Ministry of Education, Science, and Culture, pursuant to UN General Assembly Resolution 52/84, 1999, [cited December 27, 2002]; available from <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html>.

²⁰¹⁶ *Jetkincheck* focuses on education problems in schools and increasing attendance. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 34. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰¹⁷ Assistance targeted students in the Chuim Jalal-Abad, and Issuk oblasts. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 34.

²⁰¹⁸ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 120. See also ILO-IPEC, *Child Labor in Kyrgyzstan*, 33.

²⁰¹⁹ ILO-IPEC, *Child Labor in Kyrgyzstan*, 6.

²⁰²⁰ *Ibid.*, 14. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d. See also Integrated Regional Information Networks, “Kyrgyzstan: IRIN Focus on Street Children in Bishkek”, IRINnews.org, July 6, 2001, [cited December 27, 2002]; available from http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁰²¹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Kyrgyzstan*, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add. 127, Geneva, August 9, 2000, para. 55. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996*, CRC/C/41/Add.6, prepared by Government of Kyrgyzstan, pursuant to Article 44 of the Convention on the Rights of the Child, December 20, 1999, para. 81.

harvest on fields located on school grounds.²⁰²² Children are also found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.²⁰²³

Kyrgyzstan is primarily considered to be a country of origin and transit for the trafficking of children.²⁰²⁴ Children are reported to work as prostitutes in Bishkek, and girls as young as 13 years are trafficked to countries such as the United Arab Emirates, Turkey, China, Russia, Germany, and Kazakhstan.²⁰²⁵ The Islamic Movement of Uzbekistan is rumored to recruit boys under 18 and the 1999 incursions into Kyrgyzstan, allegedly by Islamic Movement supporters, may have involved child soldiers.²⁰²⁶

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.²⁰²⁷ However, residence registration limits access to social services, including education for refugees, migrants, internally displaced persons, and non-citizens.²⁰²⁸ In 1998, the gross primary enrollment rate was 103.9 percent, and the net primary enrollment rate was 85.0 percent.²⁰²⁹ Primary school attendance rates are unavailable for Kyrgyzstan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁰³⁰ The current economic crisis and declining

²⁰²² Proceeds from the harvest are collected by the schools and do not go to the children. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6c. 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 to the Initial Report of the Kyrgyz Republic on the UN Convention on the Rights of the Child*, 27 [cited January 2, 2003]; available from <http://www.crin.org/docs/resources/treaties/crc.24/kyrgystanNGOreport.doc>.

²⁰²³ 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 Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰²⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: Kyrgyzstan*, Washington, D.C., June 5, 2002, 67 [cited December 27, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f.

²⁰²⁵ Girls as young as 10 from poor mountain villages are drawn into prostitution. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishkek, November 2000. See also Kubat Otorbaev, *Kyrgyz Sex Trade Flourishes*, International Eurasian Institute for Economic and Political Research, June 1, 2001, [cited October 23, 2001]; available from http://iicas.org/english/enlibrary/libr_04_06_01kg.htm. See also Integrated Regional Information Networks, "Kyrgyzstan: Poverty Fuels Trafficking in Women and Girls", February 5, 2001, [cited January 2, 2003]; available from http://www.irinnews.org/report.asp?ReportID=1759&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁰²⁶ Coalition to Stop the Use of Child Soldiers, "Kyrgyzstan," in *Global Report 2001*, 2002, [cited January 2, 2003]; available from <http://library.amnesty.it/cs/childsoldiers.nsf/fffd058ae1d99d80256adc005c2bb8/657e305c7e2eb4d680256b1e0042b11c?OpenDocument&Highlight=0,Kazakhstan>.

²⁰²⁷ UNESCO, *EFA 2000 Report: Kyrgyz Republic*. See also Government of Kyrgyzstan, *Constitution*, (February 17, 1996), Article 32, [cited October 4, 2002]; available from <http://www.kyrgyzinvest.org/en/state/constitution.htm#gl2>.

²⁰²⁸ U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰²⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington D.C., 2002.

²⁰³⁰ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

family incomes have led to an increase in the number of children who drop out of school and take up work.²⁰³¹ Students who have stayed in school have had to pay administrative fees.²⁰³²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16. Children aged 14 years may work with parental consent, providing the work does not interfere with school attendance or pose a threat to the child's health and development.²⁰³³ The Labor Code prohibits children under 18 years from working overtime hours or at night.²⁰³⁴ Hazardous work is also prohibited for children under 18 years.²⁰³⁵ The penalty for preventing a child from attending school ranges from a public reprimand to one year of forced labor.²⁰³⁶ Both the Constitution and the Labor Law prohibit forced labor under most circumstances.²⁰³⁷

Unfortunately, aspects of the Labor Code are contradictory.²⁰³⁸ There are also many omissions and gaps pertaining to definitions of unhealthy and dangerous work.²⁰³⁹ The lack of national policy on child labor has resulted in few administrative structures to monitor child labor.²⁰⁴⁰ Ideally, compliance with labor legislation is monitored by state health agencies, trade unions, government

²⁰³¹ UN Committee on the Rights of the Child, *Concluding Observations*, para. 55.

²⁰³² U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰³³ Government of Kyrgyzstan, *Labor Code*, (1997), Article 317 [cited October 4, 2002]; available from http://www.kyrgyzinvest.org/en/state/legal_e_lrt_lc.htm. National legislation on child labor is guided by the ILO Minimum Age Convention 1973 and the Convention on the Rights of the Child. However, transforming international policy into national policy has been a slow process. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 32.

²⁰³⁴ *Labor Code*, 1997, Article 325. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Kyrgyzstan*, para. 262.

²⁰³⁵ Article 319 prohibits "labor of persons under 18 years of age on hard works, works with harmful for health and/or dangerous labor conditions, underground works or work undermining their proper moral development (casino business, night clubs, and production, transportation and marketing of alcohol, tobacco, narcotic and toxic products)." See *Labor Code*, 1997, Article 319.

²⁰³⁶ U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰³⁷ In both texts, forced labor is prohibited except in cases of war, natural disaster, epidemic, or other extraordinary circumstances, as well as upon sentence by the court. See *Labor Code*, 1997, Article 12. See also *Constitution*, 1996, Article 28.

²⁰³⁸ Article 285 sets the age for employment in morally and physically dangerous work at 21. However, Article 319 prohibits youth under 18 from engaging in such work. The Labor Code allow children between the ages of 14 and 16 to perform strenuous work with parental consent. However, minors under the age of 18 cannot work underground. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰³⁹ ILO-IPEC, *Child Labor in Kyrgyzstan*, 33. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰⁴⁰ The State Commission for Family, Women and Youth Affairs, responsible for coordination and implementing state policy addressing the needs of children and youth, and the Commission for Under-age Youth Affairs responsible for protecting children rights, do not deal with working children. The Ministry of Labor and Social Protection has no basis for the regulation of child labor because no contracts for under age children exist. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 35. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

departments (including the Prosecutor's Office and the State Labor Inspectorate), and commissions for minors.²⁰⁴¹ The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing labor laws. Given resource constraints, however, the government does not enforce child labor laws adequately.²⁰⁴² There are 700 to 800 child inspectors in the country assigned to protect child welfare. Abandoned and orphaned children are typically considered to be a law enforcement problem due to the absence of a well-established tradition of social welfare.²⁰⁴³

Trafficking is not specifically prohibited by law, although the Criminal Code forbids the recruitment of individuals for exploitation, the trading or selling of children, and coercion into prostitution.²⁰⁴⁴ According to IOM, weak legislation and a lack of coordination between government ministries results in the prosecution of few crimes related to the trafficking of people.²⁰⁴⁵

The Government of Kyrgyzstan ratified ILO Convention 138 on March 31, 1992 but has not ratified ILO Convention 182.²⁰⁴⁶

²⁰⁴¹ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Kyrgyzstan*, para. 262.

²⁰⁴² U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰⁴³ Children living and working on the streets are frequently rounded up in sweeps and institutionalized. *Ibid.*, Section 5.

²⁰⁴⁴ Government of the Kyrgyz Republic, Criminal Code of the Kyrgyz Republic (September 18, 1997), Articles 124, 159, 260, as cited in IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, 59. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f.

²⁰⁴⁵ IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, 29. Government agencies involved in anti-trafficking include: the Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration and the State Committee for Tourism, Sport and Youth policy. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67.

²⁰⁴⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 16, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Latvia

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

The Government of Latvia has initiated a National Program for Preventing Sexual Violence Against Children for 2000-2004,²⁰⁴⁷ and it is cooperating with the Baltic and Eastern European governments to combat regional organized crime groups that engage in trafficking or prostitution.²⁰⁴⁸ In 1999, the National Center for the Rights of the Child was restructured to monitor the implementation of legislation on child rights. Inspectors who focus on children's rights protection work at a municipal level to ensure the coordination of activities throughout the country.²⁰⁴⁹ The government has established an anti-trafficking working group that includes representation from government and NGOs involved in anti-trafficking efforts.²⁰⁵⁰

Several international organizations have programs that support children. UNICEF and the AIDS Prophylaxis Center carried out a program in 1999 to educate and train employees of NGOs and municipalities on how to work with street children.²⁰⁵¹ In October 2001, IOM launched an information campaign aimed at potential victims of trafficking, the press, the general public, and government authorities.²⁰⁵² IOM also instituted a counter-trafficking project aimed at establishing a coordinated system of assistance for trafficking victims from the Baltic Republics.²⁰⁵³ The

²⁰⁴⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties*, CRC/C/15/Add.142, pursuant to Article 44 of the Convention on the Rights of the Child, Geneva, January 26, 2001, para. 5.

²⁰⁴⁸ Latvia is involved with the Special Task Force of the Baltic Sea States, which combats regional organized crime, holds training on related issues and coordinates the protection of witnesses and victims. Latvia has also signed bilateral agreements with Belarus, Estonia, Lithuania, Kyrgyzstan, Russia, Moldova, Poland, Ukraine, and Uzbekistan to implement mutual legal assistance measures. See Anhelita Kamenska, "Trafficking in Women- Latvia," in *Trafficking in Women in the Baltic States: Legal Aspects, Research Report* Latvian Center for Human Rights and Ethnic Studies, IOM, 2001, Annex III [cited January 2, 2003]; available from <http://www.iom.fi/publications/Reports/2001/Baltic-Trafficking/Annex%20III%20-%20national%20paper%20-%20Latvia.pdf>.

²⁰⁴⁹ Government of Latvia, *Report of the State of Latvia on Situation after the Conference on Children held by Government leaders of States of the World*, 1 and 5 [cited August 30, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_latvia_en.PDF. Initially the Children's Rights Protection Center was established in 1995 and was restructured in 1999 to become the National Center for the Rights of the Child.

²⁰⁵⁰ The working group includes representation from the Ministries of Justice, Welfare, Interior, Foreign Affairs, and Education and Science, municipalities, NGOs and others. Nordic-Baltic Campaign Against Trafficking in Women, *National Campaign: Latvia*, [online] [cited November 15, 2002]; available from <http://www.nordicbalticcampaign.org/latvian/>.

²⁰⁵¹ UNICEF, *Prophylaxis Process for Street Children in Latvia Against HIV, AIDS and STDs*, [online] [cited August 29, 2002]; available from http://www.un.lv/unicef/English/Projects/Profil_eng.htm.

²⁰⁵² IOM Press Briefing Notes, electronic communication to USDOL official, February 15, 2002.

²⁰⁵³ The project takes place in Estonia, Latvia and Lithuania, and is carried out through a partnership among the Ministries of Interior, Border Guards, Departments of Investigating Organized Crime and Ministries of Foreign Affairs. IOM, *Online Project Compendium*, [online] [cited August 29, 2002]; available from <http://www.iom.int/iomwebsite/Project/ServletSerachProject?event+detail&id+FI1Z045>.

Children's Unit of the Council of Baltic Sea States supports activities targeting children victimized by sexual exploitation, children living in the streets and children in institutions.²⁰⁵⁴ The National Center for the Rights of the Child started an education program in 1999 called "A Lesson In Children's Rights for Adults" that in part addresses the situation of children outside the system. The program trains court personnel, teachers and social workers to be equipped to deal with the growing street children situation.²⁰⁵⁵ The World Bank is providing the Government of Latvia with a loan to implement a 5-year Education Improvement Project to provide school building and structural repairs, improve the quality of education, and strengthen the capacity of the Ministry of Education and Science.²⁰⁵⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Latvia are unavailable. However, the commercial sexual exploitation of children is known to exist.²⁰⁵⁷ Prostitution by both boys and girls is a significant problem, particularly in rural areas, near borders and in the capital city of Riga.²⁰⁵⁸ It is estimated that up to 15 percent of prostitutes in Latvia are children between 8 and 18 years old.²⁰⁵⁹ Victims from Latvia are trafficked to countries in Western Europe, including Germany, Switzerland, Denmark, Spain, Greece, Italy, and UK for the purposes of sexual exploitation.²⁰⁶⁰ There are also reports of child involvement in the production of pornography.²⁰⁶¹

Education is free and compulsory until the age of 15, or through the completion of primary school.²⁰⁶² Paragraph three of the Latvian Education Law of 1998 guarantees equality in education

²⁰⁵⁴ Child Center for Children At Risk in the Baltic Sea Region, [online] [cited August 29, 2002]; available from <http://www.childcenter.baltinfo.org/>.

²⁰⁵⁵ UNESCO, *Education for All 2000 Assessment: Country Reports-Latvia*, prepared by Department of Strategy of Education in the Ministry of Education and Science, pursuant to UN General Assembly Resolution 52/84, 1999, Section 11.1 [cited January 2, 2003]; available from <http://www2.unesco.org/wef/countryreports/latvia/contents.html>.

²⁰⁵⁶ World Bank, *Latvia - Education Improvement Project*, Project Information Document, PID7255, January 7, 1999, [cited October 28, 2002]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcnt=details&eid=000094946_99031911070478.

²⁰⁵⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Latvia*, para. 5, 47 and 48. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Latvia*, Washington, D.C., March 4, 2002, 1584-86, Section 5 [cited January 2, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8279.htm>. See also Swedish International Development Agency, *Looking Back, Thinking Forward: Fourth Annual Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden, August 28, 1996*, Stockholm, 1999-2002, 132.

²⁰⁵⁸ Swedish International Development Agency, *Looking Back, Thinking Forward*, 132.

²⁰⁵⁹ U.S. Department of State, *Country Reports- 2001: Latvia*, 1584-86, Section 5.

²⁰⁶⁰ There are no official estimates of the number of trafficking cases. However, Swiss police reported that nearly half of the registered prostitutes in one of the country's 27 cantons were Latvian. See Kamenska, "Trafficking in Women-Latvia." See also Gillian Caldwell, Steven Galster, and Nadia Steinzor, *Crime and Servitude: An Exposé of the Traffic in Women for Prostitution From the Newly Independent States*, Global Survival Network, 1997, 10.

²⁰⁶¹ Swedish International Development Agency, *Looking Back, Thinking Forward*, 132.

²⁰⁶² UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1994*, CRC/C/11/Add.22, prepared by Government of Latvia, pursuant to Article 44 of the Convention on the Rights of the Child, Geneva, March 22, 2000, para. 38.

for all residents; paragraph four defines the mandatory nature of education in Latvia, making acquiring basic education by age 18 mandatory.²⁰⁶³ Article 112 of Part Eight of the Constitution establishes that everybody has the right to education.²⁰⁶⁴

In 1998, the gross primary enrollment rate was 102.8 percent, while the net primary enrollment rate was 94.4 percent.²⁰⁶⁵ The government reports that discrepancies in numbers of boys and girls attending primary school in Latvia are not due to discrimination, but rather a result of demographics, with the number of boys exceeding girls.²⁰⁶⁶

The number of children who do not attend primary school is increasing, the number of children starting school has decreased and the dropout rates have increased dramatically.²⁰⁶⁷ In rural areas, a number of schools have been closed.²⁰⁶⁸ In 1997, the Ministry of Science and Education had a record of 1,311 children ages 5 to 15 who were not attending school.²⁰⁶⁹ In accordance with Regulation No. 439 (December 28, 1999) of the Cabinet of Ministers, information on children who are not attending school is to be compiled by the Ministry of Education and Science; however, this has not been carried out.²⁰⁷⁰

Child Labor Laws and Enforcement

The Labor Code establishes 15 years as the minimum age for general employment, although children over 13 years of age may work in light jobs that are not harmful to their health and morals

²⁰⁶³ UNESCO, *EFA 2000 Report: Latvia*, Section 6.

²⁰⁶⁴ Government of Latvia, *Report of the State of Latvia on Situation after the Conference on Children*. See also *Constitution of Latvia, 1922, Amended 1998*, (February 15, 1922), Article 112 [cited August 30, 2002]; available from http://www.oefre.unibe.ch/law/icl/lg00000_.html.

²⁰⁶⁵ World Bank, *World Development Indicators for 2002* [CD-ROM], Washington, D.C., 2002.

²⁰⁶⁶ UNESCO, *EFA 2000 Report: Latvia*, Section 6.

²⁰⁶⁷ Reasons reported for children not in school include family homelessness and inability of parents to provide children with clothes, school supplies and textbooks, particularly for children from families living below the poverty level. *Ibid.*, Section 11.1.

²⁰⁶⁸ School infrastructure has severely deteriorated. Few investments have been made in teacher training. The financial burden of maintaining and improving schools has fallen heavily on municipalities rather than on the central government, which is burdening local communities with excessive costs. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Latvia*, para. 43. See also World Bank, *Latvia - Education Improvement Project*.

²⁰⁶⁹ UNESCO, *EFA 2000 Report: Latvia*, Section 11.1. There is a report that in 2001, the Inter-Ministerial Committee on the Rights of the Child found 15,000 children not in school although this number was not released to the general public. See Latvian Save the Children, *Alternative Report to the United Nations of Situation in Area of Protection on the Rights of the Children in Latvia 1998-2002*, 2002.

²⁰⁷⁰ Government of Latvia, *Report of the State of Latvia on Situation after the Conference on Children*. See also Latvian Save the Children, *Alternative Report to the United Nations*.

if it does not interfere with school, and if the child has permission from a parent or guardian.²⁰⁷¹ According to the Labor Code, children under 18 years may not be employed in jobs requiring heavy labor, night-time or overtime work, or under conditions that are hazardous to health or morals.²⁰⁷² The Constitution prohibits forced labor, unless it is required by a court order or in the case of a disaster.²⁰⁷³ Approved in May 2000, Article 165 of the Criminal Code prohibits sending a person to a foreign country for the purpose of sexual exploitation and serves as Latvia's primary anti-trafficking legislation. Trafficking of a minor is punishable from 8 to 15 years of imprisonment.²⁰⁷⁴ The Cabinet of Ministers also adopted Regulations on the Restriction of Prostitution in 1998, which prohibits juveniles from engaging in prostitution.²⁰⁷⁵ Additionally, the Criminal Code prohibits the procuring, inducing or compelling of a minor to commit prostitution.²⁰⁷⁶

The Latvian Children's Right's Law was ratified in 1998, which guarantees children's rights and freedoms at the national level.²⁰⁷⁷

The Government of Latvia has not ratified ILO Convention 138 or ILO Convention 182.²⁰⁷⁸

²⁰⁷¹ The Council of Ministers approves a list of jobs that are prohibited for children under age 15. *Latvia Labor Code, Amended March 17, 1992*, Section 180 [cited October 28, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. In order to enforce Article 180 of the Labor Code, a list of work where it is prohibited to employ children in age up to 15 was approved by the Cabinet of Ministers in 1992. Decision No. 292 of Council of Ministers of July 24, 1992, "On Heavy Works and Works Performed Under Harmful Condition Where it is Prohibited to Employ Women and Person Under 18." See Government of Latvia, *Report of the State of Latvia on Situation after the Conference on Children*, 17.

²⁰⁷² A State Labor Inspectorate was established by the government to monitor work conditions. If a violation of child labor laws should occur, the government agency will investigate the report and, if necessary, forward the case to state courts. *Latvia Labor Code, Amended March 17, 1992*, Sections 182, 84 and 86. See also U.S. Embassy- Riga, *unclassified telegram no. 1381*, October 2001.

²⁰⁷³ *Constitution of Latvia, 1922, Amended 1998*, Article 106.

²⁰⁷⁴ Because it is relatively new, the effectiveness of Latvia's trafficking legislation has not yet been tested. In general, fear of retribution from traffickers makes victims reluctant to testify. In addition, victims report dissatisfaction with police handling of cases, which often prevents them from seeking immediate police assistance. Article 152, which prohibits illegal deprivation of liberty, and Article 153, which prohibits kidnapping, can also be used to prosecute trafficking. See *Latvia Criminal Code*, Articles 152, 53 and 65 as cited in Kamenska, "Trafficking in Women-Latvia," 3, 4, 6 and 18.

²⁰⁷⁵ Kamenska, "Trafficking in Women-Latvia," 4.

²⁰⁷⁶ *Latvia Criminal Code*, Articles 164, 65, as cited in Kamenska, "Trafficking in Women," 5.

²⁰⁷⁷ UNESCO, *EFA 2000 Report: Latvia*, Section 7.

²⁰⁷⁸ ILO, *Ratifications by Country*, ILOLEX, [database online] [cited August 30, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Lebanon

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

The Government of Lebanon has been a member of ILO-IPEC since 2000.²⁰⁷⁹ In 1994, the Ministry of Social Affairs established the Higher Council for Childhood to coordinate efforts of governmental agencies and NGOs involved in supporting the rights of children.²⁰⁸⁰ In 2000, with the support of UNICEF, the government's Central Administration of Statistics conducted a Multiple Indicator Cluster Survey (MICS) on the Situation of Children, of which child labor and education were essential components. In conjunction with the Ministries of Health, Education, and Labor and Social Affairs, as well as with UNICEF, the Director General of Statistics chaired a national committee to draft the report based on the results of the MICS survey.²⁰⁸¹

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 45.3 percent of children ages 6 to 14 years were working in Lebanon.²⁰⁸² Just under half of working children are employed in industry, while 31 percent work in commerce, repairs and maintenance.²⁰⁸³ Children work in metal works, handicraft and artisan establishments,²⁰⁸⁴ as well as sales, construction work and the operation of machinery.²⁰⁸⁵ Approximately 11 percent work in agriculture.²⁰⁸⁶ The employment of children under the age of 10 is rare.²⁰⁸⁷ Statistics from a 1997 study showed that the overwhelming majority of registered working children are boys. These official figures further indicate a decline in economically active

²⁰⁷⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 13, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁰⁸⁰ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1998*, CRC/C/70/Add.8, pursuant to Article 44 of the Convention on the Rights of the Child, Addendum: Lebanon, Geneva, September 2000, 54.

²⁰⁸¹ Government of Lebanon, *Multiple Indicator Cluster Survey 2: Lebanon*, UNICEF, 2000, [cited August 14, 2002]; available from <http://www.ucw-project.org/resources/index.html>.

²⁰⁸² Ibid.

²⁰⁸³ ILO-IPEC, *Lebanon: Child Labour on Tobacco Plantations: A Rapid Assessment*, Geneva, 2002, 9.

²⁰⁸⁴ Ibid., viii.

²⁰⁸⁵ Ibid., 9.

²⁰⁸⁶ Ibid. For a further breakdown on child labor in specified sectors, see UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties, Addendum: Lebanon*, 125-26.

²⁰⁸⁷ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties, Addendum: Lebanon*, 118.

children in the past two decades.²⁰⁸⁸ UNICEF estimates of all child labor, including unregistered labor, however, suggest that over half of the children between the ages of 5 and 14 who are engaged in work are girls.²⁰⁸⁹ In poorer, more remote regions child labor is more prominent, and larger numbers of younger children are economically active.²⁰⁹⁰ National reports estimated that 25,000 children ages 7 to 14 are working in tobacco cultivation.²⁰⁹¹ The majority of children working in tobacco cultivation are unpaid, some entering the labor force as early as 3 years old.²⁰⁹²

On March 16, 1998, the Government of Lebanon adopted legislation providing free and compulsory primary school education through the age of 12.²⁰⁹³ Despite this legislation, education is not free. The average annual cost per student in primary education in 1997 was 271,000 Lebanese pounds (USD 176).²⁰⁹⁴ Lebanon enjoys one of the most advanced educational systems in the Arab world in terms of quality and gender equality. Literacy rates are the highest in the Arab

²⁰⁸⁸ Central Administration of Statistics, *Living Conditions in 1997*, 1997 quoted in ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii and 7. Child workers who have been registered with the government constitute the official figures of “registered” children. These official figures suggest 2.8 percent of children aged 10 to 14 were economically active (5 percent of boys and 0.4 percent of girls in this age group), while 21.6 percent of children aged 15 to 19 were active (36.6 percent of boys and 5.8 percent of girls in this age group). Unofficial numbers of economically active children are almost certainly higher, see ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, 8.

²⁰⁸⁹ Government of Lebanon, *Multiple Indicator Cluster Survey 2: Lebanon*. More specific figures on gender disparities in paid and unpaid child labor can be found at UNICEF, *Preliminary Report on the Multiple Cluster Survey on the Situation of Children in Lebanon*, February 2001, 10-11 [cited August 14, 2002]; available from <http://childinfo.org/MICS2/newreports/lebanon/lebanon.pdf>. Illegal and unregistered child labor overlap and are not included in official figures. The MICS2 survey included a broader study to include these sectors. Child labor below the legal age limit is, for instance, included in the MICS2 survey. Domestic labor is a sector that involves illegal and unregistered labor. See UNICEF, *Preliminary Report on the Multiple Cluster Survey*, 3, 10-11.

²⁰⁹⁰ ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, 8.

²⁰⁹¹ The most widely cited reason for children engaging in child labor was economic need. *Ibid.*, viii, 7 and 8.

²⁰⁹² *Ibid.*, viii.

²⁰⁹³ Government of Lebanon, *Decree No. 686*, New Article 49, as cited in UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties, Addendum: Lebanon*, 60.

²⁰⁹⁴ Lebanon has a unique education system made up of government and private institutions, to which the government pays partial fees. The figure above refers to the average costs of government primary education as cited in the table under paragraph 199. For an overall discussion, see *Ibid.*, Section 5.2. See also William A. Rugh, “Arab Education: Tradition, Growth and Reform,” *Middle East Journal* Vol. 56 No. 3 (2002), 402. See also United Nations Development Programme, *Arab Human Development Report 2002*, Arab Fund For Economic and Social Development, New York, 2002, 55 [cited August 14, 2002]; available from <http://www.undp.org/rbas/ahdr/CompleteEnglish.pdf>. For currency conversion see FX Converter, [online] [cited August 13, 2002]; available from <http://www.oanda.com/convert/classic>. The conversion rate was based on August 1997 figures, the same year the estimates of education costs were calculated.

region.²⁰⁹⁵ In 1998, the gross primary enrollment rate was 110.3 percent, (112.7 percent for boys and 107.8 percent for girls), and the net primary enrollment rate was 77.9 percent (79.2 percent for boys and 76.6 percent for girls).²⁰⁹⁶ Attendance rates are not available for Lebanon. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁰⁹⁷

The progress in education is due in part to the high number of private schools in Lebanon.²⁰⁹⁸ Notwithstanding this progress, child labor negatively affects the education of working children in Lebanon.²⁰⁹⁹ Although the majority of the children working in tobacco cultivation, for instance, enroll in elementary school, work-related absenteeism negatively affects these children and contributes to the high dropout rate, occurring before they reach the secondary level.²¹⁰⁰ Approximately 38 percent of working children are illiterate or have been forced to abandon primary education entirely.²¹⁰¹

Child Labor Laws and Enforcement

The Labor Code of 1996 established the minimum age for employment at 14 years.²¹⁰² It is illegal to employ a child under the age of 15 in industrial enterprises that are harmful or detrimental to their health, or to hire youth below the age of 16 in dangerous environments that threaten their life, health or morals.²¹⁰³ A 1999 amendment to the Code forbids the employment of children under the

²⁰⁹⁵ United Nations Development Programme, *Arab Human Development Report 2002*, 55. See also Rugh, "Arab Education: Tradition, Growth and Reform," 402. Although Rugh insists that Lebanon is the only Arab country in which private spending on education is three times government spending, it should be pointed out that the government subsidizes private schools at all levels. See UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties, Addendum: Lebanon*, 60-61. Rugh is drawing on figures from a World Bank report from 1998 and may, subsequently, overlook this fact. See also World Bank, *Education in the Middle East and North Africa: A Strategy Towards Learning for Development*, 21589, Washington, D.C., 1999, [cited August 14, 2002]; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/01/20/000094946_01010905322286/Rendered/PDF/multi_page.pdf.

²⁰⁹⁶ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁰⁹⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁰⁹⁸ United Nations Development Programme, *Arab Human Development Report 2002*, 55. See also Rugh, "Arab Education: Tradition, Growth and Reform," 402.

²⁰⁹⁹ It should be pointed out that Syrian and Palestinian children are involved in child labor in Lebanon. See for example, UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties, Addendum: Lebanon*, 127.

²¹⁰⁰ ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii.

²¹⁰¹ *Ibid.*, 9.

²¹⁰² Government of Lebanon, *Loi du septembre 1946, Code du Travail, (modified 1996)*, Title 1, Chapter 2, Article 22, [cited August 15, 2002]; available from <http://natlex.ilo.org/txt/F93LBN01.htm#t1c2>. The law of 1946 was modified in December of 1993 and again in July of 1996.

²¹⁰³ *Ibid.*, 2:23 and Annex One. This annex lists the hazardous forms of labor mentioned in articles 22, 23, (referring to children) and 27 (referring to women). These types of work include underground mines and quarries, manufacturing of alcohol, chemicals, explosives, asphalt, work in tanneries or with machinery. For a complete list, see Annex One.

age of 18 for more than six hours per day. The amendment also requires a thirteen-hour period of rest between workdays.²¹⁰⁴ In addition, children must be given an hour break after a four-hour period of labor. An employer may not work children between the hours of 7 p.m. and 7 a.m. Adolescents ages 14 to 17 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/her age.²¹⁰⁵ The Ministry of Labor is responsible for the enforcement of child labor laws, but lacks adequate resources to be effective.²¹⁰⁶ The ministry has 75 inspectors and assistant inspectors.²¹⁰⁷

The Government of Lebanon has not ratified ILO Convention 138, but ratified ILO Convention 182 on September 11, 2001.²¹⁰⁸

²¹⁰⁴ Government of Lebanon, *Law 91, Code du Travail* (1999), Article 23, [cited August 15, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²¹⁰⁵ In addition, Article 30 states that employers, parents, and guardians are legally responsible for adherence to these child labor laws. *Code du Travail, (modified 1996)*, 2: 22-24.

²¹⁰⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Lebanon*, Washington, D.C., March 4, 2002, 2190-91, Section 6d [cited January 2, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8270.htm>. See also U.S. Embassy- Beirut, *unclassified telegram no. 3532*, September 2000.

²¹⁰⁷ U.S. Department of State official, electronic communication to USDOL official, February 2003.

²¹⁰⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Lesotho

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

The Government of Lesotho has established a National Child Labor Support Group that includes representatives from the Ministries of Labor, Education, Social Welfare, and Youth Affairs, plus traditional rulers, organized labor, NGOs and UNICEF. The group is developing an action plan to address child labor.²¹⁰⁹ In 2000, the government collaborated with UNICEF to conduct a multi-sectoral assessment on child labor.²¹¹⁰

In 2000, the Government of Lesotho began instituting a free primary education system, through which the government covers the cost of fees, books and one meal per day, and includes the first and second grades.²¹¹¹ In addition, a primary school education plan developed by the Ministry of Education provides for the prosecution of parents if children are not sent to school.²¹¹² The government is collaborating with UNICEF on several educational initiatives including non-formal education, early childhood education and primary education.²¹¹³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 20.7 percent of children ages 10 to 14 years in Lesotho were working.²¹¹⁴ Boys as young as 6 years old are employed in hazardous conditions as livestock herders in the Lesotho highlands, either for their family or through an arrangement where parents hire out their sons.²¹¹⁵ Child homelessness is an increasing problem due to factors such as poverty and the loss of children's parents to HIV/AIDS.²¹¹⁶ This leads more children to live on the streets

²¹⁰⁹ U.S. Embassy- Johannesburg, *unclassified telegram no. 1406*, November 2001.

²¹¹⁰ Ibid. See also UNICEF, *Schooling Seen as Solution to Child Labor*, [online] September 3, 1999 [cited August 30, 2002]; available from http://www.unicefusa.org/trafficking/release_090399.html.

²¹¹¹ The program was expected to include the third grade by 2002, but information to confirm this was not available. U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Lesotho*, Washington, D.C., March 4, 2002, 389-90, Section 5 [cited August 30, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8387.htm>.

²¹¹² U.S. Embassy- Maseru, *unclassified telegram no. 422*, June 2000.

²¹¹³ Ibid.

²¹¹⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. UNICEF estimated in 2000 that 25 percent of children aged 5-14 years were working. See also UNICEF, *UNICEF Statistics: Child Work*, [online] [cited August 30, 2002]; available from <http://childinfo.org/eddb/work/database.htm>.

²¹¹⁵ U.S. Department of State, *Country Reports- 2001: Lesotho*, 389-90, Section 5. See also Todd Bensman, "Thousands Sold into Servitude in Lesotho as 'Herder Boys'," *Pew International Journalism Program Stories 1998*, [cited August 30, 2002]; available from http://www.pewfellowships.org/stories/lesotho.herder_boys.html.

²¹¹⁶ U.S. Department of State, *Country Reports- 2001: Lesotho*, 389-90, Section 5. For more information on the effect of HIV/AIDS on families and children, see U.S. Embassy- Johannesburg, *unclassified telegram no. 1406*.

where some are reported to find work as prostitutes.²¹¹⁷ Children also work as domestics, car washers, taxi fare collectors, and vendors.²¹¹⁸

Education is free but not compulsory in Lesotho.²¹¹⁹ In 1998, the gross primary enrollment rate was 101.6 percent, and the net primary enrollment rate was 60 percent.²¹²⁰ Girls' net primary enrollment rate fell 18 percent between 1990 and 1997 due to poverty and the impact of the HIV/AIDS pandemic.²¹²¹ Enrollment figures improved in 2000 as the free primary education program began, but the quality of education continues to be a serious problem.²¹²² Rural children often work to support the family, and poverty makes school fees unaffordable.²¹²³ The problem of school absenteeism affects boys disproportionately, as livestock herding is considered a cultural prerequisite to manhood.²¹²⁴ Primary school attendance rates are unavailable for Lesotho. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹²⁵ In 1996, the expenditure on primary education per student as a percent of GDP per capita was 18.1 percent.²¹²⁶

Child Labor Laws and Enforcement

The Labor Code of 1992 establishes 15 years as the minimum age for employment,²¹²⁷ although children between 13 and 15 may perform light work in a technical school or approved institution.²¹²⁸ The Labor Code establishes 18 as the minimum age for hazardous work, and generally prohibits employment of children in work that is harmful to their health or development.²¹²⁹ There are no specific laws prohibiting trafficking in persons, but Proclamation

²¹¹⁷ U.S. Department of State, *Country Reports- 2001: Lesotho*, 389-90, Section 5.

²¹¹⁸ Allegations of child labor in the textile and garment sectors have been investigated by the ILO, UNICEF, and the Labor Commission and have not been verified. See *Ibid.*, 390-93, Section 6d.

²¹¹⁹ U.S. Embassy- Maseru, *unclassified telegram no. 422*.

²¹²⁰ World Bank, *World Development Indicators 2002*.

²¹²¹ *Ibid.* See also UNICEF, *Girls' Education in Lesotho*, [online] 2002 [cited August 30, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/cases/lesotho.htm>.

²¹²² U.S. Embassy- Johannesburg, *unclassified telegram no. 1406*.

²¹²³ U.S. Department of State, *Country Reports- 2001: Lesotho*, 389-90, Section 5.

²¹²⁴ *Ibid.*

²¹²⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²¹²⁶ World Bank, *World Development Indicators 2002*.

²¹²⁷ U.S. Department of State, *Country Reports- 2001: Lesotho*, Section 6d. See also Economic Research Institute, *Lesotho-Compensation and Benefit Legislation*, in Human Resources Codes and Laws, [database online] [cited August 30, 2002]; available from <http://www.eri.com/freedata/hrcodes/LESOTHO.htm>.

²¹²⁸ *Lesotho Labour Code Order*, 1992, Part IX, Article 124.

²¹²⁹ U.S. Department of State, *Country Reports- 2001: Lesotho*, Section 6d.

No. 14 of 1949 imposes penalties for the procurement of women or girls for purposes of prostitution.²¹³⁰

The Ministry of Labor and Employment's Inspectorate has weakly enforced statutory child labor prohibitions in the past, but in 2001 it was adequately staffed and its inspectors conducted quarterly inspections.²¹³¹

The Government of Lesotho ratified ILO Convention 138 and ILO Convention 182 on June 14, 2001.²¹³²

²¹³⁰ U.S. Department of State, *Country Reports- 2001: Lesotho*, 390-93, Section 6f. See also UNICEF Eastern and Southern Africa Regional Office and African Network for the Prevention and Protection of Children against Child Sexual Abuse and Neglect, "Lesotho," in *Partnership Project on Sexual Exploitation and Children's Rights: Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region: Draft Consultancy Report* Nairobi, 2001, [cited August 30, 2002]; available from <http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html>.

²¹³¹ U.S. Department of State, *Country Reports- 2001: Lesotho*, 390-93, Section 6d. See also U.S. Embassy-Johannesburg, *unclassified telegram no. 1406*.

²¹³² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 30, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Lithuania

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

The Government of Lithuania initiated the National Program Against Commercial Sexual Exploitation and Sexual Abuse of Children in 2000 to support the prevention of sexual crimes against children.²¹³³ In the same year, the Parliament created the position of Child Ombudsman to centralize advocacy efforts for children's rights.²¹³⁴ The Advisory Council for Children's Affairs was established under the jurisdiction of the president to address problems related to the protection of children's rights.²¹³⁵ In November 2001, an interdepartmental task force was established to develop a strategy to address the problem of neglected children and street children.²¹³⁶

The government is implementing a National Poverty Reduction Strategy with funding and assistance from the World Bank in order to assist vulnerable populations, including children.²¹³⁷ The World Bank has also funded an education project aimed at improving student achievement in basic education.²¹³⁸ In partnership with government agencies, IOM launched a counter-trafficking project aimed at establishing a coordinated system of assistance for trafficking victims from the

²¹³³ The program aims to create a system of prevention measures, determine the reasons behind the sexual exploitation of children, find ways of eliminating them, develop a legal base, strengthen criminal liability for persons who commit crimes against children, further develop measures for rehabilitation of child victims of violence or sexual exploitation, and create a system of institutions engaged in the protection of children's rights. A commission for the coordination of the program was established in August 2001. U.S. Embassy- Vilnius, *unclassified telegram no. 2335*, October 2002.

²¹³⁴ Valdas Rupsys, State Secretary of the Ministry of Social Security and Labor, letter to USDOL official, September 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Lithuania*, Washington, D.C., March 4, 2002, 1600-03, Section 5 [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8287.htm>.

²¹³⁵ The council is comprised of 10 representatives from NGOs and six representatives from State institutions. UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1994, Addendum: Lithuania*, CRC/C/11/Add.21, prepared by Government of Lithuania, pursuant to Article 44 of the Convention on the Rights of the Child, Geneva, November 24, 1998, para. 7.

²¹³⁶ The task force is made up of representatives from the Ministries of Social Security and Labor, Education and Science, and Interior. U.S. Department of State, *Country Reports- 2001: Lithuania*, 1600-03, Section 5.

²¹³⁷ See Rupsys, letter, September 2000. See also World Bank, *Structural Adjustment Loan Project*, P044056, October 15, 1996, [cited September 5, 2002]; available from <http://www.worldbank.lt/P044056.htm>.

²¹³⁸ The Education Project will upgrade teaching skills and improve educational facilities, among other aims. World Bank, *Education Project*, P070112, June 20, 2002, [cited September 5, 2002]; available from <http://www.worldbank.lt/P070112.htm>.

Baltic Republics.²¹³⁹ In January 2002, the Government of Lithuania approved the Program on Control and Prevention Against Prostitution and Trafficking in Humans.²¹⁴⁰

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Lithuania are unavailable. Children are reported to beg on the streets or perform odd jobs, such as cleaning cars or selling newspapers.²¹⁴¹ There are reports of children as young as 11 years old working as prostitutes in brothels. According to UNICEF estimates, up to 50 percent of prostitutes in Lithuania could be minors.²¹⁴² Organized crime figures are reported to use coercive means to traffick Lithuanian girls into prostitution abroad, particularly to Western European countries.²¹⁴³

The Law on Education provides for school that is free of charge and compulsory from the age of 6 or 7 to 16 years.²¹⁴⁴ The law was amended in 1998, establishing 10 years of basic education and the admission of students aged 14 to vocational schools.²¹⁴⁵ The Constitution guarantees compulsory education.²¹⁴⁶ In 1998, the gross primary enrollment rate was 100.5 percent and the net primary enrollment rate was 93.7 percent.²¹⁴⁷ Primary school attendance rates are unavailable for Lithuania. While enrollments rates indicate a level of commitment to education, they do not

²¹³⁹ The project takes place in Estonia, Latvia and Lithuania, and is implemented through a partnership among the Ministries of Interior, Border Guards, Departments of Investigating Organized Crime, and Ministries of Foreign Affairs. IOM, *Online Project Compendium*, [online] [cited August 29, 2002]; available from <http://www.iom.int/iomwebsite/Project/ServletSerachProject?event+detail&id+FI1Z045>.

²¹⁴⁰ The program will help organize a control and prevention system against trafficking in women, and will include education, social-economic, medical, national and international measures, with close cooperation between government and NGOs in the area of prevention. Kvinnoforum, *A Resource Book for Working Against Trafficking in Women and Girls, Baltic Sea Region*, 3rd ed. (February 2002), 43.

²¹⁴¹ UN Committee on the Rights of the Child, *Initial Reports of States Parties, Addendum: Lithuania*, para. 253.

²¹⁴² UNICEF, *Profiting From Abuse: An Investigation into the Sexual Exploitation of our Children* (New York: 2001), 7 [cited September 5, 2002]; available from <http://www.unicef.org/pubsgen/profitng/index.html>.

²¹⁴³ There are also reports of women and girls trafficked to Lithuanian cities from Belarus, Russia, Latvia, and parts of the Lithuanian countryside. U.S. Department of State, *Country Reports- 2001: Lithuania*, 1603-06, Section 6f. See also Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, Stockholm, 1999-2000.

²¹⁴⁴ Government of Lithuania, *Law on Education, No. I-1489*, (June 25, 1991), Articles 13, 19(1), 21(2) [cited September 5, 2002]; available from <http://www.litlex.lt/Litlex/Eng/Frames/Laws/Documents/77.htm>.

²¹⁴⁵ Education Act No. I-1489 of June 25, 1991 was amended to Education Act. No. VIII-854 on July 2, 1998. UNESCO: International Bureau of Education, *World Data on Education- 2001: Lithuania Country Report*, Geneva, April 2000, [cited September 5, 2002]; available from http://nt5.scbbbs.com/cgi-bin/om_isapi.dll?clientID=405589&infobase=iwde.nfo&softpage=PL_frame.

²¹⁴⁶ *Constitution of Lithuania*, (October 25, 1992), Article 41 [cited September 5, 2002]; available from http://www.uni-wuerzburg.de/law/lh00000_.html.

²¹⁴⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

always reflect children's participation in school.²¹⁴⁸ However, according to the Department of Statistics, in 1999 an estimated 22,000 children (4 percent) aged 7 to 15 were not in school.²¹⁴⁹

Child Labor Laws and Enforcement

The Law on Employment Contract sets the minimum age for employment at 16 years and stipulates that children from age 14 to 16 years may work in certain government-approved jobs with the consent of a parent or guardian.²¹⁵⁰ With additional consent of a doctor, the Law on Labor Protection allows for children under age 14 to participate in cultural or art festivals, provide communication services, or work in other activities that do not negatively affect their health, morals, or studies.²¹⁵¹ Regulation No. 1055 includes a list of jobs and conditions that are considered dangerous for children from 13 to 18 years old.²¹⁵² The Law on Labor Protection prohibits children under 18 years old from working in hazardous conditions, night work or overtime work.²¹⁵³ According to this law, children between ages 14 and 16 may work 24 hours per week, and children between ages 16 and 18 may work 36 hours per week.²¹⁵⁴ The Law on Fundamentals of Protection of the Rights of the Child stipulates that a child having attained 16 years of age may work, that employers must guarantee safety of children at work, and that the state protects the child from all forms of exploitation at work.²¹⁵⁵ Forced labor is prohibited by the Constitution.²¹⁵⁶

Trafficking is illegal in Lithuania and the Criminal Code was amended in 1998 to provide criminal liability of a fine or arrest for four to eight years.²¹⁵⁷ A new Criminal Code will come into force in January 1, 2003, which includes a section on crimes against children that addresses the worst forms of child labor.²¹⁵⁸ The punishment for exploiting children in the production of pornography is one

²¹⁴⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²¹⁴⁹ UNICEF Innocenti Research Center, *Child and Family Well-Being in Lithuania, Country Paper*, Vilnius, 2000, 9.

²¹⁵⁰ *Republic of Lithuania Law on Employment Contract*, No. I-1489, (June 25, 1991), Article 4 [cited September 5, 2002] available from <http://www.litlex.lt/Litlex/Eng/Frames/Laws/Documents/77.htm>. See also the Law on Labor Protection, which stipulates that the Government of Lithuania establish the jobs and working conditions under which children between 14 and 16 years of age may be employed. *Republic of Lithuania Law on Labor Protection*, No. I-266, (October 7, 1993), Article 59 [cited September 5, 2002]; available from http://www.litlex.lt/Litlex/Eng/Frames/Laws/Fr_laws.htm.

²¹⁵¹ See *Republic of Lithuania Law on Labor Protection*, Article 58.

²¹⁵² Rupsys, letter, September 2000.

²¹⁵³ *Republic of Lithuania Law on Labor Protection*, Article 58.

²¹⁵⁴ *Ibid.*, Article 41.

²¹⁵⁵ Government of Lithuania, *Law on Fundamentals of Protection of the Rights of the Child*, No I-1234, (March 14, 1996), Article 39, 40, and 42 [cited September 5, 2002]; available from http://www.litlex.lt/Litlex/Eng/Frames/Laws/Fr_laws.htm.

²¹⁵⁶ *Ibid.*, Article 48.

²¹⁵⁷ *Criminal Code*, Article 131 and 149 as cited in Audrone Perkauskiene, "Trafficking in Women: Lithuania," in *Trafficking in Women in the Baltic States: Legal Aspects, Research Report* IOM, 2001, [cited October 28, 2002]; available from <http://www.iom.fi/publications/Reports/2001/Baltic-Trafficking/Annex%20IV%20-%20national%20paper%20-%20Lithuania.pdf>.

²¹⁵⁸ U.S. Embassy- Vilnius, *unclassified telegram no. 2335*.

to four years in jail; however, there is no official data on cases of children exploited for the purpose of pornography.²¹⁵⁹

The State Labor Inspectorate enforces the country's child labor laws and investigates complaints related to employment of children under 18 years old.²¹⁶⁰ During the first half of 2002, the State Labor Inspectorate conducted 107 inspections of employment of people under 18 years old and no cases of illegal child labor were found.²¹⁶¹

The Government of Lithuania ratified ILO Convention 138 on June 22, 1998, but has not ratified ILO Convention 182.²¹⁶²

²¹⁵⁹ U.S. Department of State, *Country Reports- 2001: Lithuania*, 1600-03, Section 5.

²¹⁶⁰ U.S. Embassy- Vilnius, *unclassified telegram no. 2335*.

²¹⁶¹ Ibid.

²¹⁶² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Macedonia

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

The Government of Macedonia established an Ombudsperson for the Rights of Children in 1999. This office is empowered to take action against public authorities when children's rights are violated, and reports to Parliament on an annual basis.²¹⁶³ In 1999, the government also signed a trans-border crime agreement as part of an effort to prevent trafficking and develop an effective transnational database mechanism.²¹⁶⁴ A Trafficking Taskforce was also established to coordinate anti-trafficking efforts with other countries in the region.²¹⁶⁵ In addition, the government is working with international organizations to implement anti-trafficking programs. OSCE and IOM are implementing prevention, protection and law enforcement projects to combat trafficking.²¹⁶⁶ UNICEF is working to increase access to schools by implementing projects that improve the overall quality of education.²¹⁶⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that less than 1 percent of children ages 10 to 14 years in Macedonia were working.²¹⁶⁸ In rural areas, it has been reported that children leave school early to assist with agricultural duties.²¹⁶⁹ Children work in the informal sector and in illegal or unregistered small businesses,²¹⁷⁰ and are also found working in the streets and markets selling cigarettes and other small items.²¹⁷¹ Trafficking of girls, especially for prostitution and pornography, is a growing

²¹⁶³ U.S. Embassy- Skopje, *unclassified telegram no. 2616*, November 26, 2001.

²¹⁶⁴ Macedonia ratified the Southeast European Cooperative Initiative "Agreement on Co-operation to Prevent and Combat Transborder Crime," which links regional governments in information-sharing and planning programs. UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, August 2000, 12, 95.

²¹⁶⁵ *Ibid.*, 95.

²¹⁶⁶ OSCE is the leading agency with regard to trafficking in Macedonia. Its programs include government negotiations, a working group on the subject and, in conjunction with the IOM, the development of a shelter for women. IOM is also establishing repatriation processes for trafficked women. See *Ibid.*, 97.

²¹⁶⁷ UNICEF, *UNICEF'S Priority: Education Objectives*, [online] 2002 [cited September 13, 2002]; available from <http://www.unicef.org/macedonia/education/educationContent.htm>.

²¹⁶⁸ The ILO reported that 0.02 percent of children in this age group were economically active. ILO, *Laborstat Database of Labor Statistics*, [database online] [cited August 13, 2002]; available from <http://laborsta.ilo.org/>.

²¹⁶⁹ UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 1993*, CRC/C/Add.36, prepared by Government of the Former Yugoslav Republic of Macedonia, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, para. 202.

²¹⁷⁰ U.S. Embassy- Skopje, *unclassified telegram no. 2616*.

²¹⁷¹ UN Committee on the Rights of the Child, *Periodic Reports of State Parties: Macedonia*, para. 246.

concern.²¹⁷² Macedonia is a country of destination for women and children trafficked for prostitution from Eastern European countries such as Bulgaria, Moldova, Romania, Ukraine, and Yugoslavia, as well as a transit and source country for trafficking to Greece, Albania, Kosovo, and Western Europe.²¹⁷³ The Romanian Embassy and OSCE have indicated that of the 326 foreign women expelled from the town of Tetovo in 1999, many were being held against their will and that at least 20 percent of them were children.²¹⁷⁴ There are indications that children aged 17 have volunteered for military service in Macedonia. Furthermore, children between the ages of 14 and 18 have joined armed groups abroad during regional conflicts, for example in Bosnia and Kosovo.²¹⁷⁵

The Constitution mandates free and compulsory primary education and all children are guaranteed equal access,²¹⁷⁶ although parents must provide children with books and supplies.²¹⁷⁷ The Law on Primary Education specifies that education is compulsory for eight years, normally between the ages of 7 to 15.²¹⁷⁸ In 1998, the gross primary enrollment rate was 102.9 percent and the net primary enrollment rate was 95.5 percent.²¹⁷⁹ Primary school attendance rates are unavailable for Macedonia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁸⁰ Dropout rates for girls in primary and secondary school are high, particularly among ethnic Roma or Albanian children.²¹⁸¹

²¹⁷² U.S. Department of State, *Trafficking in Persons Report- 2002: The Former Yugoslav Republic of Macedonia*, Washington D.C., June 5, 2002, 72 [cited December 13, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: The Former Yugoslav Republic of Macedonia*, Washington D.C., March 4, 2002, 1622-25, Section 5 [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8293.htm>.

²¹⁷³ UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*, 94. See also U.S. Department of State, *Country Reports- 2001: Macedonia*, 1625-27, Section 6f.

²¹⁷⁴ UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*, 94.

²¹⁷⁵ Coalition to Stop the Use of Child Soldiers, "Macedonia," in *Global Report 2001*, London, 2001, [cited December 13, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/3b74c32135ce7d2880256b1e0046fe5b?OpenDocument>.

²¹⁷⁶ *Constitution of Macedonia, 1991*, (November 17, 1991), Article 44 [cited September 13, 2002]; available from http://www.uni-wuerzburg.de/law/mk00000_.html.

²¹⁷⁷ The Ministry of Education is proposing that the government provide these materials free of charge through primary school. Transportation is also free for students. See U.S. Embassy- Skopje, *unclassified telegram no. 2616*.

²¹⁷⁸ UN Committee on the Rights of the Child, *Periodic Reports of State Parties: Macedonia*, para. 20.

²¹⁷⁹ World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2002.

²¹⁸⁰ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

²¹⁸¹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: The Former Yugoslav Republic of Macedonia*, CRC/C/15/Add.118, February 23, 2000, [cited December 13, 2002]; available from <http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-15-add118.htm>. See also U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also U.S. Department of State, *Country Reports- 2001: Macedonia*, 1622-25, Section 5.

Child Labor Laws and Enforcement

The Constitution and Labor Relations Act set the minimum age for employment at 15 years.²¹⁸² The Labor Relations Act prohibits overtime work by children, as well as work between 10 p.m. and 6 a.m., or work that may be harmful or threatening to their health or life.²¹⁸³ The Constitution prohibits forced labor.²¹⁸⁴ The Macedonian Criminal Code prohibits various acts of sexual exploitation against children, including the recruitment or solicitation of children for prostitution and/or the procurement of a child for these activities.²¹⁸⁵ Individuals convicted of instigating, recruiting or procuring a child for prostitution shall be punished with imprisonment of one to five years.²¹⁸⁶ The Government of Macedonia has recently adopted a law that criminalizes trafficking and actions associated with trafficking. Since the passage of this new law, there have been several arrests.²¹⁸⁷ Labor Inspectors at the Ministry of Labor and Social Policy are responsible for enforcing the child labor laws; however, they have been reluctant to enforce these laws.²¹⁸⁸

The Government of Macedonia ratified ILO Convention 138 on November 17, 1991 and ILO Convention 182 on May 30, 2002.²¹⁸⁹

²¹⁸² *Constitution of Macedonia, 1991*, Article 42(1). In addition, the minimum age for work in mines is 18. See *Labor Relations Act: Macedonia, 1993*, (December 27, 1993), Section 7 [cited November 2, 2001]; available from <http://www.natlex.ilo.org/txt/E93MKDO2.htm>.

²¹⁸³ *Labor Relations Act: Macedonia, 1993*, Sections 63, 66 and 67.

²¹⁸⁴ *Constitution of Macedonia, 1991*, Article 11(2). See also U.S. Department of State, *Country Reports- 2001: Macedonia*, 1162-65, Section 6d.

²¹⁸⁵ UN Committee on the Rights of the Child, *Periodic Reports of State Parties: Macedonia*, para. 259 and 56. See also *Criminal Code of Macedonia, 2001*, (January 2001), 192-93 [cited December 20, 2002]; available from <http://www.protectionproject.org>.

²¹⁸⁶ *Criminal Code of Macedonia, 2001*.

²¹⁸⁷ U.S. Department of State, *Trafficking in Persons Report: Macedonia*, 72.

²¹⁸⁸ *Labor Relations Act: Macedonia, 1993*, Section 139. According to the government, no cases of child labor are filed with the Ministry. See also U.S. Department of State, *Country Reports- 2001: Macedonia*, 1625-27, Section 6d. See also Oliver Krliu, Embassy of the Republic of Macedonia, letter to USDOL official, September 14, 2000.

²¹⁸⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Madagascar

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

The Government of Madagascar has been a member of ILO-IPEC since 1998.²¹⁹⁰ ILO-IPEC, in coordination with the government, has implemented three programs to remove children from working in quarries through prevention and education efforts.²¹⁹¹ The government is preparing a new action plan to eliminate the worst forms of child labor. The plan includes programs to remove child workers from the informal sector in the major cities.²¹⁹² The government is also working with ILO-IPEC to compile all laws and texts governing child labor and make them more widely available.²¹⁹³

The government has created a national inter-ministerial steering committee to coordinate and supervise all activities related to child labor and to provide support in the implementation of child labor action plans.²¹⁹⁴ Child labor issues are included in conferences, in-service workshops, and training curriculum for labor inspectors.²¹⁹⁵ In May 2000, over 20 labor inspectors representing all six provinces received training on the worst forms of child labor.²¹⁹⁶ The Ministry of Tourism collaborated with UNICEF to conduct a survey on child prostitution.²¹⁹⁷ The Ministry of Labor is collaborating with ILO-IPEC to conduct a survey of child prostitution and children working in quarries.²¹⁹⁸ The Ministry of Labor has also collaborated with NGOs and faith-based groups to address child prostitution and return children involved in prostitution to school or vocational training.²¹⁹⁹

The Ministry of Education's Education of Girls Office has implemented an assisted home study program that provides non-traditional education for working children.²²⁰⁰ The Ministry of

²¹⁹⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 10, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²¹⁹¹ Activities have included awareness-raising campaigns in the major port city of Tamatave and photo exhibits in all six provinces of Madagascar. By August 2000, ILO-IPEC programs had reintegrated some 300 children into schools in the Diego Suarez area, half of whom had been working in mines. U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*, October 2001.

²¹⁹² Ibid.

²¹⁹³ Ibid.

²¹⁹⁴ Ibid.

²¹⁹⁵ Ibid.

²¹⁹⁶ U.S. Embassy- Antananarivo, *unclassified telegram no. 1800*, August 2000.

²¹⁹⁷ Ibid.

²¹⁹⁸ Ibid.

²¹⁹⁹ Mamy Ratovomalala, Minister of Industrialism and Handicraft, letter to Ambassador of the United States of America in Madagascar, September 4, 2000.

²²⁰⁰ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

Education has also promoted educational opportunities through a safety net program for public primary schools that loans books to primary schools, renovates and expands schools, and increases staff.²²⁰¹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 34.1 percent of children ages 10 to 14 years in Madagascar were working.²²⁰² Most child labor occurs in the agricultural sector, where children work as unpaid laborers on family farms,²²⁰³ while other children work as domestic servants for third parties in both rural and urban areas. A small number of children work in the commercial and industrial sectors.²²⁰⁴ In urban areas, children work as petty traders, casual transport workers and beggars.²²⁰⁵ Some children are also employed under hazardous conditions in quarries and mines.²²⁰⁶

The commercial sexual exploitation of children occurs and is on the rise in Madagascar, particularly in tourist areas and coastal fishing areas.²²⁰⁷ In 1999, it was reported that in recent years there have been reports that women and girls were trafficked to Reunion, a French overseas *département*, and Mauritius for the purpose of prostitution.²²⁰⁸

Primary education is compulsory and free up to the age of 14.²²⁰⁹ Enforcement of compulsory education laws is generally weak.²²¹⁰ In 1996, the gross primary enrollment rate was 97.2 percent, and the net primary enrollment rate was 65 percent.²²¹¹ Attendance rates are not available for Madagascar. While enrollment rates indicate a level of commitment to education, they do not

²²⁰¹ Ibid.

²²⁰² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²²⁰³ According to a 1993-1994 labor force survey, 94 percent of working children ages 7 to 14 years of age engage in agricultural activities. Nine times out of 10, family work is unpaid. Francois Roubaud and Diane Coury, *Le travail des enfants au Madagascar: Un état des lieux*, MAG/97/M01/FRA, ILO-IPEC, Geneva, 1997.

²²⁰⁴ The 1993-1994 survey reported that 3 percent of working children are employed in services; 2 percent work in the commercial sector; and 1 percent work in the industrial sector. See Ibid.

²²⁰⁵ Ibid. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Madagascar*, Washington, D.C., March 4, 2002, 414-16, Section 6d [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8389.htm>.

²²⁰⁶ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²²⁰⁷ According to the Ministry of Tourism, 25 percent of prostitutes in the tourist area of Tulear are under 18 years of age. See ECPAT International, *Madagascar*, in ECPAT International, [database online] [cited August 15, 2002], "CSEC Overview: Child Prostitution" [cited August 15, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²²⁰⁸ U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6f.

²²⁰⁹ *Constitution of Madagascar, 1992*, (August 19, 1992), Article 24. See also U.S. Department of State, *Country Reports- 2001: Madagascar*, 413-14, Section 5.

²²¹⁰ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²²¹¹ World Bank, *World Development Indicators 2002*.

always reflect children's participation in school.²²¹² The percentage of students who began school in 1995 and reached grade two was 77 percent, while the percentage of students who reached grade 5 in 1995 was 40.0 percent.²²¹³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.²²¹⁴ Decree 62-152 prohibits children under the age of 18 from engaging in work that could endanger their health, safety or morals.²²¹⁵ Children under the age of 18 are also prohibited from performing night work.²²¹⁶ Prostitution is not criminalized, but Ordinance 60-161 prohibits the procurement of children for prostitution with a sentence of imprisonment for two to five years and a fine of 750,000 to 7,500,000 Malagasy francs (USD 116.93 to 1,169.30) if the crime involves a minor under the age of 18. The same punishment can be imposed on any person who is the cause of the corruption of a child under the age of 16.²²¹⁷ The minimum age for either conscription or voluntary recruitment into the military is 18 years.²²¹⁸ Forced or bonded labor by children is prohibited.²²¹⁹

The Ministry of Civil Service, Labor and Social Laws enforces child labor laws through unannounced inspections.²²²⁰ Violations of labor laws are punishable with fines of up to 1.5 million Malagasy francs (USD 243.74),²²²¹ imprisonment or closure of the workplace if it poses an imminent danger to workers. The government has not earmarked resources for investigations of exploitative child labor cases, and the Ministry of Labor does not have an adequate number of trained inspectors.²²²² There are approximately 40 labor inspectors who do general inspections; none focus solely on child labor issues.²²²³ When violations are found, the fines reportedly are low

²²¹² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²²¹³ UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144.

²²¹⁴ U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6d. See also Ratovomalala, letter, September 4, 2000.

²²¹⁵ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*. The decree was issued in 1962. See also Ratovomalala, letter, September 4, 2000.

²²¹⁶ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²²¹⁷ Article 334 *bis* (Ordinance 60-161 of 10/3/60), as cited in Protection Project, "Madagascar," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*; available from <http://www.protectionproject.org/main1.htm>. For currency conversion see FX Converter, [online] [cited August 22, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²²¹⁸ U.S. Embassy- Antananarivo, *unclassified telegram no. 1567*, September 2001.

²²¹⁹ U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6c.

²²²⁰ *Ibid.*, 414-16, Section 6d. See also Ratovomalala, letter, September 4, 2000.

²²²¹ For currency conversion see FX Converter, available at <http://www.carosta.de/frames/convert.htm>, [cited October 10, 2002].

²²²² U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²²²³ *Ibid.*

and employers are not jailed.²²²⁴ Labor inspectors cover only wage earners in the formal economy and cover only the capital region effectively.²²²⁵ The enforcement of child labor laws in the informal sector is pursued through the court system.²²²⁶

The Government of Madagascar ratified ILO Convention 138 on May 31, 2000 and ILO Convention 182 on October 4, 2001.²²²⁷

²²²⁴ Ibid.

²²²⁵ U.S. Department of State, *Country Reports- 2001: Madagascar*, 414-16, Section 6d and 6e.

²²²⁶ Ibid., 414-16, Section 6d.

²²²⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Malawi

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

The Government of Malawi is an associated country of ILO-IPEC.²²²⁸ The government is participating in an ILO-IPEC regional program funded by USDOL to prevent the worst forms of child labor, and withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa.²²²⁹ In April 2001, the Ministry of Labor and Vocational Training (MOLVT) signed an agreement with ILO-IPEC's SIMPOC to conduct a USDOL-funded national household survey on child labor.²²³⁰ Survey results will be used as the basis for drafting an action plan to implement ILO Convention 182.²²³¹

The Ministry of Gender, Youth and Community Services collaborated with stakeholders to form the National Task Force on Children and Violence, which deals with child labor as well as other threats to children's health and well being.²²³² The Tobacco Association of Malawi also initiated a child labor task force to raise awareness and formulate strategies to eliminate the problem. The task force is made up of representatives from government, business, international organizations, and labor, and was formed in November 2000.²²³³

The MOLVT has partnered with UNICEF and the Norwegian Agency for International Development to raise awareness of the dangers of child labor.²²³⁴ Approximately USD 900,000

²²²⁸ ILO-IPEC, *All About IPEC: Program Countries*, [online] [cited August 22, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²²²⁹ ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture in Kenya, Tanzania, Uganda, Zambia and Malawi*, technical progress report, no. 2, RAF/00/P51/USA, Geneva, March 30, 2002, 18.

²²³⁰ The pilot study was completed in 2001. The results of the main survey are scheduled to be released in late 2002 or early 2003. See ILO-IPEC, *SIMPOC: Malawi*, project document, MLW/01/P50/USA, March 12, 2001, 18-19.

²²³¹ U.S. Department of State, *Country Human Rights Practices- 2001: Malawi*, Washington, D.C., March 4, 2002, 423-27 [cited August 29, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8390.htm>.

²²³² In 2000, the Task Force worked with Save the Children to produce a situation analysis study on child abuse in Malawi. See ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture*, technical progress report, 18.

²²³³ U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*, February 2001.

²²³⁴ Suzgo Khunga, "Minister Bemoans the Increase in Child Labour," *allAfrica.com, The Chronicle Newspaper* (Lilongwe), March 25, 2002, [cited December 13, 2002]; available from <http://allafrica.com/stories/printable/200204020420.html>. In 2000, UNICEF provided technical and financial assistance for projects to mobilize communities and form alliances with traditional authorities as well as regional and district officers to combat child labor. In 2001, UNICEF funded a pilot project designed to inform and sensitize the Development and Executive Committees of the Lilongwe District about child labor and to create a mechanism for these committees to educate the public and seek solutions to the problem. See ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture*, technical progress report, 18-19.

will be provided to fund a common plan for action to eliminate child labor.²²³⁵ Four tobacco-exporting companies joined forces in July 2001 to eliminate child labor in tobacco growing districts through the establishment of a program called Tobacco Exporters Children Service.²²³⁶ Several international and national unions have signed agreements with tobacco workers and producers to eradicate child labor on commercial farms.²²³⁷

Basic education has remained a priority for Malawi since the early 1980s when the government proposed a 10-year National Development Plan in Education.²²³⁸ In the early 1990s, Malawi expanded this plan to include goals outlined by the Education for All program.²²³⁹ Since that time, Malawi has abolished school fees, more than doubled enrollment, increased education spending, launched several teacher training and adult literacy programs, reformed primary curriculums, built new schools, expanded early education, and invested in efforts to enroll and retain girls at all education levels.²²⁴⁰

In addition to subsidies from the government, educational institutions in Malawi receive contributions from religious organizations, local authorities, community associations, and local and international NGOs.²²⁴¹ Responding to reports of relatively high school drop-out rates among girls, UNICEF and the Government of Malawi announced in July 2002 a four-year plan to provide full and equal access to basic education through community schools.²²⁴² Save the Children-US has helped the Government of Malawi to expand rural education and train teachers through a village-

²²³⁵ Khunga, "Minister Bemoans the Increase in Child Labour."

²²³⁶ The program is funded by the NGO, the Elimination of Child Labour in Tobacco, and will run in 60 villages in two target districts for four years. The program includes four components: education, food security, safe water and health programs. See Hobbs Gama, "Poverty Responsible for Alarming School Dropouts," *allAfrica.com, African Church Information Service*, September 9, 2002, [cited December 13, 2002]; available from <http://allafrica.com/stories/printable/200209090278.html>.

²²³⁷ The International Confederation of Free Trade Unions (ICFTU) and the International Union of Foodworkers signed an agreement with the International Association of Tobacco Producers to eradicate child labor on plantations. The Malawi Congress of Trade Unions (affiliated with the ICFTU) and the Tobacco Tenants and Allied Workers Union signed a similar agreement with the Tobacco Association of Malawi at a national level. International Confederation of Free Trade Unions (ICFTU), *Report for the WTO General Council Review of Trade Policies of Malawi*, Geneva, February 6-8, 2002, [cited December 13, 2002]; available from <http://www.icftu.org/displaydocument.asp?Index=991214742&Language=EN>.

²²³⁸ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports - Malawi*, prepared by Ministry of Education, Sports, and Culture, pursuant to UN General Assembly Resolution 53/84, [cited December 13, 2002]; available from <http://www2.unesco.org/wef/countryreports/malawi/contents.html>.

²²³⁹ Ibid.

²²⁴⁰ Ibid.

²²⁴¹ The Government of Norway is assisting Malawi to ensure that children receive free primary education through UNICEF's "All Children in School" Program. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Briefs: Malawi*, [online] 2002 [cited September 12, 2002]; available from <http://www.beps.net/ChildLabor/Database.htm>.

²²⁴² UNWire, *Malawi: UNICEF, Government Say Girls Face Education Obstacles*, United Nations Foundation, [online] July 11, 2002 [cited December 13, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=27580.

based schools program aimed to increase girls' attendance.²²⁴³ USAID also supports government efforts to encourage girls to enroll and remain in school, such as improving the quality of basic education and revising prohibitive policies like the former law requiring the expulsion of pregnant girls.²²⁴⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 31.5 percent of children ages 10 to 14 years were working.²²⁴⁵ Children are largely found working in the informal sector or in farming, domestic service, and small businesses that include street-side welding, bicycle repair and furniture making. Children are rarely employed in the formal manufacturing sector.²²⁴⁶

Traditionally, children have worked in the agricultural sector alongside their parents.²²⁴⁷ Children are used in crop production, including tea and maize,²²⁴⁸ and on commercial tobacco farms, where the incidence of working children is particularly high.²²⁴⁹ Children also frequently perform domestic work to allow adults to work longer hours in the fields.²²⁵⁰ In 2001, children working on

²²⁴³ Save the Children Fund-US provides funds and technical assistance to help communities construct schools. School management committees composed of community members are responsible for school administration. Schools are conveniently located reducing parents' fears regarding their daughters' safety to and from classes. See Save the Children - USA, *Village-Based Schools Improve Girls' Enrollment in Malawi*, (Success Stories: Education), [online] 2002 [cited November 15, 2002]; available from <http://www.savethechildren.org/mothers/programs/education.htm>.

²²⁴⁴ USAID, *Malawi*, [online] 2002 [cited November 15, 2002]; available from <http://www.usaid.gov/country/afr/mw/>.

²²⁴⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. However, a 2000 Malawi Demographic and Health Study found that a larger 53 percent of children worked either in family businesses, on farms, for non-relatives (as paid or unpaid employees) or spent 4 or more hours a day doing housework. See ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture, technical progress report*, 20.

²²⁴⁶ U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d. See U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*.

²²⁴⁷ U.S. Embassy- Lilongwe, *unclassified telegram no. 1873*, November 2001. See also Line Eldering, Sabata Nakanyane, and Malehoko Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labor, Nairobi, October 8-9, 2000), 38-39.

²²⁴⁸ Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 38. See also U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*. See U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d. See also ILO-IPEC, *Child Labor in Commercial Agriculture in Africa*, Technical Workshop on Child Labour in Commercial Agriculture in Africa; Dar es Salaam, United Republic of Tanzania, August 27-30, 1996, Geneva, 1997, para. 35 [cited December 13, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/publ/policy/papers/africa/index.htm>.

²²⁴⁹ A study on the tobacco sector in Malawi revealed that 78 percent of children ages 10 to 14 worked with their parents on tobacco estates on a full-time or part-time basis, and it also noted that children under the age of 10 were found working with their parents as full-time workers on the estates. See W. C. D. Kamkondo and K. Wellard, *Women and Children in the Smallholder and Estate Subsector in Malawi*, supplementary report to Estate Extension Service Trust (Lilongwe: Rural Development Department, Bunda College of Agriculture, 1994), as cited in Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 40.

²²⁵⁰ *Ibid.*, 39.

commercial farms received international attention, prompting the tobacco industry to declare a ban on the use of child labor.²²⁵¹

Malawi is considered to be a country of origin for child trafficking.²²⁵² According to a 2001 report conducted by the University of Malawi, businesswomen from Malawi, Tanzania and Zambia draw children between the ages of 12 and 13 into trafficking with promises of jobs in the United Kingdom and South Africa. In addition, young girls from Malawi's rural areas are frequently lured to larger towns to work as babysitters but ultimately find themselves employed as barmaids and prostitutes. There have also been reports of young women working as domestic servants in urban areas for little or no wages.²²⁵³

Primary education is free but not compulsory under the Constitution.²²⁵⁴ There are no current enrollment or attendance rates available for Malawi.²²⁵⁵ Research recently published by the World Bank has shown that despite the increases in enrollment following the government's decision to abolish school fees, the drop-out rate has continued to average around 50 percent throughout the 1990s.²²⁵⁶ Indirect costs of education, family illnesses and the lack of interest in education have decreased the demand for school. Insufficient numbers of teachers and teaching materials, poor sanitation, poor teaching methods, and inadequate classrooms have also contributed to the government's inability to provide quality education. Although Malawi's education policies have led to increases in education for the poor, regional variations in enrollment and education quality have persisted, secondary education continues to favor the rich, and girls' enrollment remains lower than that of boys, regardless of their economic class.²²⁵⁷

²²⁵¹ "ILO Warns Malawi On Child Labour," allAfrica.com, *Panafrican News Agency* (Blantyre), August 28, 2000, [cited December 13, 2002]; available from <http://allafrica.com/stories/printable/200008280006.html>. See Integrated Regional Information Networks, "Malawi: Tobacco industry bans use of child labor", IRINnews.org, [online], November 17, 2001 [cited December 13, 2002]; available from http://www.irinnews.org/report.asp?ReportID=12357&SelectRegion=Southern_Africa&Selections. See Brian Ligomeka, "Tobacco Industry Bans Use of Child Labour," allAfrica.com, *African Church Information Service* (Blantyre), October 19, 2001, [cited December 13, 2002]; available from <http://allafrica.com/stories/printable/200110190453.html>.

²²⁵² Protection Project, "Malawi," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, 337-38 [cited August 26, 2002]; available from <http://209.190.246.239/ver2/cr/Malawi.pdf>.

²²⁵³ U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6f.

²²⁵⁴ U.S. Embassy- Bangui, *unclassified telegram no. 885*, October 2, 2002.

²²⁵⁵ In 1996, the gross primary enrollment rate was 131.3 percent, and in 1994, the net primary enrollment rate was 102.6 percent. World Bank, *World Development Indicators 2002*. In 1992, the gross primary attendance rate was 85.9 percent and the net primary attendance rate was 58.1 percent. USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

²²⁵⁶ In both 1990-1991 and 1997-1998, the average enrollment rate in the second half of primary school (Standards five through eight) is 50 percent of the enrollment in the first half (Standards 1-4). See 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., August 29, 2002, 4-5 [cited December 13, 2002]; available from <http://www.worldbank.org/afr/wps/wp29.htm>.

²²⁵⁷ *Ibid.*, 4.

Child Labor Law and Enforcement

The Employment Act No. 6 of 2000 sets the minimum age for employment at 14 years, but does not apply to work done in vocational technical schools, other training institutions or unpaid work in homes.²²⁵⁸ The Employment Act also allows children between the ages of 14 and 18 to engage in non-hazardous work that is not prejudicial to their attendance at school or any other vocational or training program.²²⁵⁹ Employers are required to keep a register of all employees under the age of 18, and violation of this law can result in a fine of MK 20,000 (USD 241) and five years of imprisonment.²²⁶⁰ There are no express legal restrictions on children's work hours.²²⁶¹ The Constitution and the Employment Act prohibit forced and compulsory labor. Violators are liable for penalties of MK 10,000 (USD 120) and two years of imprisonment under the Employment Act.²²⁶² The trafficking of persons is not specifically prohibited by law.²²⁶³ However, the Penal Code does prohibit the procurement of any girl under the age of 21 to have unlawful sexual relations, either in Malawi or elsewhere.²²⁶⁴ Furthermore, it is also illegal to procure and transport a woman or girl with the intention of making her a prostitute.²²⁶⁵

The MOLVT and the police are charged with enforcement of child labor laws, but enforcement has been minimal due to lack of resources.²²⁶⁶

The Government of Malawi ratified both ILO Convention 138 and ILO Convention 182 on November 19, 1999.²²⁶⁷

²²⁵⁸ Employment Act. No. 6, Section 21, as cited in Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 37.

²²⁵⁹ Ibid.

²²⁶⁰ Employment Act. No. 6, Section 23, as cited in U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*. See also Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 37. For currency conversion, see FX Converter, [online] [cited August 28, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²²⁶¹ U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d.

²²⁶² *Constitution of the Republic of Malawi*, Section 26 [cited October 4, 2002]; available from http://www.sas.upenn.edu/African_Studies/Govern_Political/mlwi_const.html. See also U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*.

²²⁶³ U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6f.

²²⁶⁴ Malawi's Gender, Youth and Community Services Ministry has announced plans to patrol pubs, drinking places and other entertainment areas in search of underage female barmaids working as prostitutes. See Raphael Tenthani, "Malawi to Crack Down On Teenage Barmaids," *allAfrica.com, Panafrikan News Agency* (Blantyre), December 14, 2000, [cited December 13, 2002]; available from <http://allafrica.com/stories/printable/200012140082.html>.

²²⁶⁵ Protection Project, "Malawi."

²²⁶⁶ U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d.

²²⁶⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 26, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Mali

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

The Government of Mali has been a member of ILO-IPEC since 1998.²²⁶⁸ With support from ILO-IPEC, the government has been building its capacity to combat child labor on the national and regional level.²²⁶⁹ Mali is one of nine countries participating in the USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.²²⁷⁰ In January 2002, the President of Mali, the Confédération Africaine de Football, the Comité d'Organisation de la Coupe d'Afrique des Nations, and ILO-IPEC launched an awareness raising campaign on child labor to coincide with the 2002 African Cup of Nations, a popular soccer tournament.²²⁷¹ In 2002, the government was also preparing to implement a national child labor survey in Mali, with technical assistance from ILO-IPEC's SIMPOC, to measure the nature and extent of child labor at a national level.²²⁷²

In September 2000, the Governments of Mali and Côte d'Ivoire signed a cooperative agreement to control cross-border trafficking. The two countries have developed national plans of action covering the prevention of child trafficking, controlling and monitoring child trafficking, and repatriating and rehabilitating children who have been trafficked.²²⁷³ In 1998, the government developed a plan to include *marabouts*, Koranic teachers, some of whom reportedly employ students as beggars, in the campaign against child begging.²²⁷⁴

Following the World Declaration on Education for All (1990), the Government of Mali developed a New Education System (NES), which is the foundation of the basic education system in Mali.²²⁷⁵ The goals of the NES are to retain the Malian cultural identity and to make education more relevant

²²⁶⁸ ILO-IPEC, *All About IPEC: Program Countries*, [online] [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/about/countries/index.htm>.

²²⁶⁹ ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II): Country Annex VII: Mali*, project document, RAF/01/P53/USA, Geneva, July 2001.

²²⁷⁰ The regional child trafficking project now covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See *Ibid.*, 1.

²²⁷¹ ILO-IPEC, *ILO Waves "Red Card" at Child Labor*, ILO-IPEC, [online] January 15, 2002 [cited August 29, 2002]; available from <http://www.ilo.org/public/english/bureau/inf/pr/2002/1.htm>.

²²⁷² ILO official, electronic communication to USDOL official, August 28, 2002.

²²⁷³ ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, 8.

²²⁷⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Mali*, CRC/C/15/Add.113, November 1999, para. 33 [cited December 13, 2002]; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.113.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.113.En?OpenDocument).

²²⁷⁵ 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. 144-45 [cited December 13, 2002]; available from <http://www.hri.ca/fortherecord1999/documentation/tbodies/crc-c-3-add53.htm>.

by linking schooling to life skills, and democratizing the school system.²²⁷⁶ Working with international donors, the Primary Education Support Fund, and other partners, the Government of Mali undertook tasks to help equip and renovate classrooms, recruit teachers, and produce new teaching materials.²²⁷⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 51.1 percent of children ages 10 to 14 years in Mali were working.²²⁷⁸ Children work in the agricultural sector, in mining and gold washing, and as domestic servants in urban areas.²²⁷⁹ In some cases, children work as street beggars for *marabouts* as part of their education at Koranic schools.²²⁸⁰

Mali is a source of trafficked children, most of whom are sold into forced labor in Côte d'Ivoire to work on coffee, cotton, and cocoa farms or to work as domestic servants.²²⁸¹ Organized networks of traffickers, promising parents that they will provide paid employment for their children, reportedly sell the children to commercial farm owners for between 14,500 to 29,000 CFA (USD 22 to 43).²²⁸²

Primary education is compulsory and free until the age of 13; however, students must pay for their own uniforms and school supplies to attend public schools.²²⁸³ In 1998, the gross primary enrollment rate was 53.1 percent, and the net primary enrollment rate was 41.7 percent.²²⁸⁴ In 1996, the gross primary attendance rate was 40.6 percent and the net primary attendance rate was

²²⁷⁶ Ibid., para. 146.

²²⁷⁷ Between 1993 and 1995, the Government of Mali built and equipped 880 classrooms, renovated 1773, and equipped 1847 classrooms Ibid., para. 149.

²²⁷⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²²⁷⁹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Mali*, para. 32. See also ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, Country Annex VII.

²²⁸⁰ Committee for the Elimination of Racial Discrimination, *Addendum to the Fourteenth Periodic Report of States Parties due in 2001*, CERD/C/407/Add.2, prepared by Government of Mali, pursuant to Article 9 of the Convention on the Elimination of Racial Discrimination, February 2002, para. 49 [cited December 13, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b9dfff8e90ea9ca2c1256c0e004b0b2b/\\$FILE/G0242546.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b9dfff8e90ea9ca2c1256c0e004b0b2b/$FILE/G0242546.doc).

²²⁸¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mali*, Washington, D.C., March 4, 2002, 434-36, Section 6f [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8391.htm>.

²²⁸² Ibid., 434-36, Section 6f. For currency conversion see FX Converter, [online] [cited October 16, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²²⁸³ Higher Education Systems Database, *Mali*, International Association of Universities/UNESCO International Centre on Higher Education, [online] 2001 [cited October 16, 2002]; available from <http://www.usc.edu/dept/education/globalized/wwcu/background/Mali.htm>. See also U.S. Department of State, *Country Reports- 2001: Mali*, 432-34, Section 5.

²²⁸⁴ World Bank, *World Development Indicators 2002*.

29.4 percent.²²⁸⁵ A significant gender disparity exists for primary school students; in 1996, the gross primary attendance rate was 47.6 percent for boys and 33.7 percent for girls.²²⁸⁶

Child Labor Laws and Enforcement

Article 187 of Labor Code sets the minimum age for employment and apprenticeship at 14 years.²²⁸⁷ However, children ages 12 to 14 may work up to two hours per day during school vacations with parental approval. Children ages 14 to 16 years may work up to four and a half hours per day with the permission of the labor inspectorate (but not during nights, holidays, or on Sundays) and children ages 16 to 18 years may work in jobs that are not physically demanding.²²⁸⁸ The Constitution prohibits forced labor by children.²²⁸⁹ Articles 189 and 190 of the Criminal Code establish penalties for the sale, trafficking and abduction of children.²²⁹⁰ Article 183 of the Criminal Code establishes penalties for the sexual exploitation and sexual abuse of children.²²⁹¹ Labor inspectors conduct surprise and complaint-based inspections but operate only in the formal sector and lack resources to effectively monitor child labor.²²⁹² The frontier police, Interpol, and territorial and security authorities are responsible for enforcing the cooperative agreement to curb cross-border trafficking signed between Côte d'Ivoire and Mali.²²⁹³ By the end of 2001, 10 traffickers, who were arrested in Sikasso, were in detention awaiting trial for trafficking children.²²⁹⁴

The Government of Mali ratified ILO Convention 138 on March 11, 2002 and ILO Convention 182 on July 14, 2000.²²⁹⁵

²²⁸⁵ USAID, *Demographic and Health Survey: Mali (1995/6)* Washington, D.C., 2002; available from <http://www.measureprogram.org/africa.html>.

²²⁸⁶ Ibid.

²²⁸⁷ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Mali*, para. 168.

²²⁸⁸ U.S. Department of State, *Country Reports- 2001: Mali*, 434-36, Section 6d.

²²⁸⁹ Ibid., 434-36, Section 6c.

²²⁹⁰ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Mali*, para. 176.

²²⁹¹ Ibid., para. 168. See also Government of Mali, *Criminal Code, Section V: Offenses Against Public Morals Public Offenses Against Decency*, [cited December 13, 2002]; available from <http://www.protectionproject.org/main1.htm>.

²²⁹² U.S. Department of State, *Country Reports- 2001: Mali*, 434-36, Section 6d.

²²⁹³ ILO-Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Convention no. 29, Forced Labor, 1930 Mali (ratification: 1960)*, Geneva, 2002.

²²⁹⁴ U.S. Department of State, *Country Reports- 2001: Mali*, 434-36, Section 6f.

²²⁹⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 13, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Mauritania

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

In 2000, the Government of Mauritania began working with the ILO to raise awareness on worker rights, including child labor. The government drafted a national plan on workers' rights, which led to recommendations by the ILO that the government conduct studies on the extent of the child labor problem and forced labor in Mauritania, due to the lack of available information on these subjects.²²⁹⁶ The government is currently working with the ILO to plan the child labor study,²²⁹⁷ which the government views as necessary prior to discussion of a broad-based, national program to address the issue.²²⁹⁸ Small-scale efforts to eradicate child labor are taking place, including the passage of a 2002 regulation prohibiting children from selling in the streets of the capital city, Nouakchott,²²⁹⁹ as well as government-funded magazine and TV ads on child labor.²³⁰⁰

In 1999, the Government of Mauritania announced its current educational plan, which is intended to run for 15 years and aims to provide all children with 10 years of basic schooling (elementary plus the first secondary level), followed by training opportunities tailored to the requirements of the labor market. New emphasis will be placed on pre-school education that prepares children for basic education and on creating incentives to encourage private education.²³⁰¹ The goals for elementary school education are to achieve universal access by 2005, raise the retention rate from 55 to 78 percent by 2010, eliminate gender and regional disparities, improve the quality and relevance of education, and lower the pupil-teacher ratio.²³⁰² Mauritania is also aiming to raise the share of education spending from 3.7 percent of GDP in 1999 to 5.4 percent of GDP by 2015.²³⁰³ The World Bank is assisting the government to achieve these goals through a USD 49.2 million education loan project aimed at increasing enrollment, particularly among girls and in low-performing regions.²³⁰⁴

²²⁹⁶ Khaled Cheikhna, Director of Labor, Mauritanian Ministry of Labor, interview with USDOL official, August 14, 2002.

²²⁹⁷ Dina, Secretary General, Union des Travailleurs de Mauritanie (UTM), interview with USDOL official, August 15, 2002. See also Cheikhna, interview, August 14, 2002.

²²⁹⁸ Cheikhna, interview, August 14, 2002.

²²⁹⁹ Moctar O. Hemeina, U.S. Embassy- Nouakchott official, interview with USDOL official, August 14, 2002.

²³⁰⁰ Dina, interview, August 15, 2002.

²³⁰¹ 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 September 4, 2002]; available from <http://www.adeanet.org/newsletter/latest/06.html>.

²³⁰² Ibid.

²³⁰³ Ibid.

²³⁰⁴ 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 Project*, [cited October 1, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P071308>.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 22.1 percent of children ages 10 to 14 years in Mauritania were working.²³⁰⁵ Children traditionally work on family subsistence farms, as a means of survival.²³⁰⁶ They also perform a wide range of other informal activities, such as working as cashiers,²³⁰⁷ street workers, dishwashers in restaurants, car washers, domestic workers, fishermen,²³⁰⁸ herders, and apprentices in garages.²³⁰⁹ In addition, children living with *marabouts*, or Koranic teachers, assist with domestic work.²³¹⁰ Mauritania abolished slavery in 1980;²³¹¹ however, due to the lack of economic and social opportunities for former slaves, their children are at risk of abject poverty,²³¹² which may serve as an impetus for child labor.

Beginning in July 2001,²³¹³ seven years of school attendance beginning at age 7 became compulsory.²³¹⁴ In 1998, the gross primary enrollment rate was 83.2 percent, and the net primary enrollment rate was 60.2 percent.²³¹⁵ Primary school attendance rates are unavailable for Mauritania. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³¹⁶ Public school is free, but other costs such as books and lunches make education unaffordable for many poor children.²³¹⁷ Ongoing challenges to the provision of quality education in Mauritania include the high dropout and repetition rates, a

²³⁰⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³⁰⁶ Dina, interview, August 15, 2002.

²³⁰⁷ Nahah, Secretary General, Confederation General des Travailleurs de Mauritanie (CGTM), interview with USDOL official, August 14, 2002.

²³⁰⁸ Ely Samake, UNICEF, interview with USDOL official, August 15, 2002.

²³⁰⁹ Nahah, interview, August 14, 2002.

²³¹⁰ Sow, interview, August 15, 2002.

²³¹¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mauritania*, Washington, D.C., March 4, 2002, 449-52, Section 6c [cited September 4, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8392.htm>.

²³¹² Samory O. Beye, Secretary General, Confederation Libre des Travailleurs de Mauritanie (CLTM), interview with USDOL official, August 14, 2002.

²³¹³ United Nations Development Programme, *Mauritania Helps Girls by Making Education Compulsory*, [online] 2001 [cited September 4, 2002]; available from <http://www.undp.org/dpa/frontpagearchive/2001/july/25july01/index.html>.

²³¹⁴ Samake, interview, August 15, 2002.

²³¹⁵ World Bank, *World Development Indicators 2002*.

²³¹⁶ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

²³¹⁷ Samake, interview, August 15, 2002.

shortage of teachers, an inadequate curriculum,²³¹⁸ and poor national infrastructure, which prevents children from accessing schools.²³¹⁹

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 14 years, except in specific circumstances approved by the Minister of Labor.²³²⁰ The Labor Law also prohibits forced labor²³²¹ and sets 18 years as the minimum age for work requiring excessive force, or that could harm the health, safety, or morals of children.²³²² The Labor Law contains special regulations on night work and general working hours for children under 16 years.²³²³ The Criminal Code, which follows Islamic criminal law, establishes strict penalties for engaging in prostitution or procuring prostitutes, ranging from fines to imprisonment for six months to imposition of the death penalty.²³²⁴ Trafficking is not specifically prohibited, but the Criminal Code sets a penalty of imprisonment for the use of fraud or violence to abduct minors.²³²⁵

The Labor Inspectorate is responsible for enforcing child labor laws in the formal sector, and according to the government, no cases of child labor have been reported.²³²⁶ However, the government reportedly lacks the resources to effectively monitor compliance with child labor laws.²³²⁷ Information is not available on prosecutions or convictions related to commercial sexual exploitation of children. According to UNICEF, the government is tightening security at airports and questioning travelers vigilantly as preventive measures against trafficking.²³²⁸

Mauritania ratified both ILO Convention 138 and ILO Convention 182 on December 3, 2001.²³²⁹

²³¹⁸ 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, United Nations, Geneva, November 6, 2001, [cited September 4, 2002]; available from <http://www.unhchr.ch>.

²³¹⁹ Samake, interview, August 15, 2002.

²³²⁰ Government of Mauritania, *Code du Travail*, 1963, Loi N. 63.023, (January 1963), Deuxième Livre, Article 1.

²³²¹ *Ibid.*, Premier Livre, Article 3.

²³²² *Ibid.*, Deuxième Livre, Article 47.

²³²³ *Ibid.*, Deuxième Livre, Articles 7-14.

²³²⁴ *Criminal Code of Mauritania*, Articles 307-14 as cited in Protection Project [cited September 4, 2002]; available from <http://www.protectionproject.org>.

²³²⁵ 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, [cited September 4, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/4ec6bda0d30ae362c1256a64002c7a85?0opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4ec6bda0d30ae362c1256a64002c7a85?0opendocument).

²³²⁶ Cheikhna, interview, August 14, 2002.

²³²⁷ U.S. Department of State, *Country Reports- 2001: Mauritania*, 449-52, Section 6d.

²³²⁸ Samake, interview, August 15, 2002.

²³²⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 4, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Mauritius

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

In 1998, the Government of Mauritius worked with UNICEF and the World Health Organization (WHO) to study child prostitution and in 2000, the government developed a National Action Plan to Combat Commercial Sexual Exploitation of Children in Mauritius. One of the elements of the plan has been to pass laws that strengthen government capacity to address child prostitution. In 1990, the government also enacted legislation establishing the National Children's Council, a body to coordinate ministry and NGO efforts to combat child abuse, neglect and exploitation.²³³⁰ The government is currently working with social partners to develop a comprehensive policy on child labor.²³³¹

In 2001, the government announced an education reform plan to increase the mandatory education age to 16, provide additional secondary schools and increase access to secondary school education.²³³² Based upon the country's economic performance and government achievements in improving the well being of children and young people, UNICEF will close out funding allocations in Mauritius by 2003.²³³³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 2.0 percent of children ages 10 to 14 years in Mauritius were working.²³³⁴ The Ministry of Women's Rights, Child Development, and Family Welfare reported that in 1998, approximately 2000 children between the ages of 12 and 14 were either employed or looking for work.²³³⁵ Children are usually found working on the streets, in small businesses and in agriculture.²³³⁶ On the island of Rodrigues, children are found working in homes, on farms and in shops.²³³⁷ In 1998, the UNICEF/WHO study on commercial sexual exploitation of children

²³³⁰ ILO-CEACR, *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>.

²³³¹ N. Nababsing, Permanent Secretary, Ministry of Labor and Industrial Relations, Republic of Mauritius, survey questionnaire response to USDOL official, September 2001, 3.

²³³² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mauritius*, Washington, D.C., March 4, 2002, 457-59, Section 5 available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8393.htm>.

²³³³ In 1997, the UNICEF Executive Board decided to gradually phase out funding allocations for countries that had achieved established threshold levels for gross national product (USD 2,895 per capita) and under 5 mortality rates (30 deaths per 1000). In the 1990s, Mauritius reached these thresholds. UNICEF, *Mauritius: An Island Fit for Children*, [online] July 31, 2002 [cited August 29, 2002]; available from <http://www.unicef.org/noteworthy/mauritius>.

²³³⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³³⁵ U.S. Department of State, *Country Reports- 2001: Mauritius*, 459-61, Section 6d.

²³³⁶ Nababsing, Child Labor Questionnaire response, September 2001, 3.

²³³⁷ U.S. Department of State, *Country Reports- 2001: Mauritius*, 459-61, Section 6d.

indicated that children as young as 13 are engaged in prostitution in several districts in Mauritius.²³³⁸ There have been reports that children are also trafficked from Madagascar to Mauritius for prostitution.²³³⁹

The Education Act provides for compulsory and free primary schooling until the age of 12.²³⁴⁰ In 1996, the government subsidized the school fees of each 4-year-old as a way to ensure that each child starts primary school with at least one year of pre-school experience.²³⁴¹ In 1998, approximately 96 percent of the children entering primary school had completed at least one year of pre-primary schooling. In 1998, the gross primary enrollment rate was 107.7 percent, and the net primary enrollment rate was 93.3 percent.²³⁴² Attendance rates are not available for Mauritius. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁴³

Child Labor Laws and Enforcement

The Labor Act of 1975 sets the minimum age for employment at 15 years.²³⁴⁴ Under the Occupational Safety, Health and Welfare Act of 1989, young persons between the ages of 15 and 18 are allowed to work in hazardous work settings provided they are trained to operate machinery and are supervised by an experienced operator.²³⁴⁵ The Criminal Code contains provisions prohibiting child prostitution, and the sale, trafficking and abduction of children.²³⁴⁶ In 1998, the penalties for persons operating brothels were increased from a fine of 3,000 rupees (USD 102) and imprisonment not to exceed one year, to a fine of 100,000 rupees (USD 3,384) and imprisonment not to exceed five years. Penalties for persons convicted of the sale, trafficking or abduction of a

²³³⁸ ILO-CEACR, *Individual Observation- Convention 29*. See also Nasseem Ackbarally, *Report Says Child Prostitution Rampant in Mauritius*, [online] October 9, 2000 [cited August 13, 2002]; available from <http://www.hartford-hwp.com/archives/36/313.html>.

²³³⁹ U.S. Department of State, *Country Reports- 2001: Mauritius*, 459-61, Section 6f.

²³⁴⁰ Children begin primary school at the age of 5 and are expected to complete primary education at age 12. Nababsing, Child Labor Questionnaire response, September 2001, 3 and 10.

²³⁴¹ 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, [cited August 13, 2002]; available from <http://www2.unesco.org/wef/countryreports/mauritius/contents.html>. At the end of the sixth grade, students must take a nationally administered test to qualify for secondary school. In 1997, the repetition rate for sixth grade was 21 percent, and 63 percent of the students obtained a certificate of primary education. *UNESCO, EFA 2000 Report: Mauritius*.

²³⁴² World Bank, *World Development Indicators 2002*.

²³⁴³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²³⁴⁴ The country's child labor laws cover all sectors. Nababsing, Child Labor Questionnaire response, September 2001, 1.

²³⁴⁵ Children are not required to clean machinery if this would expose them to the risk of injury. *Ibid.*, 2.

²³⁴⁶ The Criminal Code was amended in 1998. ILO-CEACR, *Individual Observation- Convention 29*.

child are a fine of least 10,000 rupees (USD 338) or a prison sentence not to exceed five years.²³⁴⁷ Forced and bonded labor by children is illegal.²³⁴⁸

The Ministry of Labor and Industrial Relations is the government agency that oversees the enforcement of child labor laws. There are 39 labor inspectors and eight labor officers whose duties include investigating child labor practices. In 2000, over 5250 child labor inspections were conducted and from January to June 2001, 2,421 child labor inspections were conducted.²³⁴⁹ The police enforce laws on child prostitution. According to a June 2000 report by the Working Group on Contemporary Forms of Slavery, the existing legal provisions on child prostitution were not comprehensive enough to prosecute child sexual exploitation adequately, and there was insufficient police resolve, capacity and sensitivity to intervene in cases of child prostitution.²³⁵⁰

The Government of Mauritius ratified ILO Convention 138 on July 30, 1990, and ILO Convention 182 on June 8, 2000.²³⁵¹

²³⁴⁷ Nababsing, Child Labor Questionnaire response, September 2001, 3. For currency conversion, see FX Converter, [online] [cited October 8, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²³⁴⁸ U.S. Department of State, *Country Reports- 2001: Mauritius*, 459-61, Section 6c.

²³⁴⁹ Nababsing, Child Labor Questionnaire response, September 2001, 7.

²³⁵⁰ ILO-CEACR, *Individual Observation- Convention 29*.

²³⁵¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 16, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Moldova

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

In November 2001, the Government of Moldova established a National Committee for Combating Trafficking in Human Beings and adopted a National Plan of Action to address the problem.²³⁵² Also in 2001, the Parliament passed additions to the Criminal Code with provisions against trafficking, forced labor, and sexual exploitation.²³⁵³ In addition, the government has established and trained an anti-trafficking unit in the police force, but there are reports that the unit is understaffed and poorly funded.²³⁵⁴ Due to a lack of funds at the national level, as well as corruption and linkages between government officials and organized crime, the majority of trafficking protection and awareness raising measures are being implemented by Moldovan NGOs.²³⁵⁵ Moldova participates in the Southeastern European Cooperative Initiative Human Trafficking Task Force, which is intended to coordinate regional efforts by governments to combat trafficking in persons.²³⁵⁶ The government has cooperated with Belarus, Ukraine, and Russia to investigate trafficking cases;²³⁵⁷ however, it is reported that borders are not adequately monitored.²³⁵⁸

²³⁵² Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, June 2002, 30.

²³⁵³ *Ibid.*, 29.

²³⁵⁴ According to UNICEF, the unit consists of only a few police officers; it lacks equipment, telephones and gas, and staff did not receive payments for several months. *Ibid.*, 30.

²³⁵⁵ IOM is implementing a trafficking awareness raising campaign; UNICEF assists girls at risk of trafficking and prostitution; and other NGOs, including La Strada and Association for Women Lawyers, are working on the issue. For the most part, these activities are planned and implemented independently; however, the government is planning to cooperate with La Strada to implement an awareness raising campaign in schools. *Ibid.*, 30-32.

²³⁵⁶ Organization for Security and Co-operation in Europe, *Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings*, [online] [cited August 21, 2002], "Introduction"; available from www.osce.org/odihr/attf/index.php3?sc=Introduction.

²³⁵⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Moldova*, Washington, D.C., March 4, 2002, 1646-48, Section 6f [cited July 21, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8304.htm>.

²³⁵⁸ U.S. Department of State, *Trafficking in Persons Report- 2002: Moldova*, Washington, D.C., June 5, 2002, 76 [cited August 21, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 37.1 percent of children ages 5 to 14 years in Moldova were working.²³⁵⁹ Moldova is a primarily agricultural country, and it is common for children in rural areas to work on family farms or help with household chores.²³⁶⁰

Street children in Chisinau and Belti are reported to work as prostitutes as a means of survival.²³⁶¹ Moldova is a source country for trafficking of women and girls for prostitution to destinations including Turkey, Greece, Cyprus, Italy, Hungary, Bulgaria, Slovakia, Bosnia, Macedonia, and Yugoslavia.²³⁶² Young women in rural areas are frequently the target population for traffickers who offer transportation to jobs overseas, but upon arrival, confiscate passports and require payments earned through prostitution.²³⁶³ According to information gathered by IOM through its assistance projects, some trafficked girls are as young as 12 years old.²³⁶⁴

Education for children is compulsory for nine years, beginning at age 7.²³⁶⁵ While the Constitution guarantees free public education,²³⁶⁶ families face significant additional expenses, including supplies, clothes, and transportation fees.²³⁶⁷ The most recent primary school enrollment and attendance statistics indicate that most children are receiving a basic education, with very little variation by gender or regional distribution. In 1996, the gross primary enrollment rate was 97.4

²³⁵⁹ The total number of “working” children included “children who have done any paid or unpaid work for someone who is not a member of the household or who did more than four hours of housekeeping chores in the household or who did other family work.” 10 percent of children ages 5 to 14 had unpaid jobs for someone other than a household member, and 2 percent were engaging in paid work. Government of Moldova, *Multiple Indicator Cluster Survey (MICS) 2*, UNICEF, 2000, [cited August 21, 2002]; available from <http://www.childinfo.org/MICS2/newreports/moldova/moldova.pdf>.

²³⁶⁰ U.S. Embassy- Chisinau, *unclassified telegram no. 1400*, September 2001.

²³⁶¹ Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden August 28, 1996*, Bangkok, 2000, 131.

²³⁶² U.S. Department of State, *Country Reports- 2001: Moldova*, 1646-48, Section 6f. According to the U.S. State Department’s 2002 Trafficking in Persons Report, Moldova is a Tier 2 country and does not yet fully comply with minimum standards for the elimination of trafficking. U.S. Department of State, *Trafficking in Persons Report: Moldova*, 76.

²³⁶³ U.S. Department of State, *Country Reports- 2001: Moldova*, 1646-48, Section 6f.

²³⁶⁴ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 26.

²³⁶⁵ UNESCO, *Education for All 2000 Assessment: Country Reports - Moldova*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999, [cited August 21, 2002]; available from <http://www2.unesco.org/wef/countryreports/moldova/contents.html>.

²³⁶⁶ *Constitution of the Republic of Moldova, 1994*, [cited August 21, 2002]; available from <http://confinder.richmond.edu/moldova3.htm#T1>.

²³⁶⁷ U.S. Embassy- Chisinau, *unclassified telegram no. 1400*.

percent,²³⁶⁸ and in 2000, the net primary school attendance rate was over 98 percent.²³⁶⁹ Press reports indicate that attendance may be lower in rural areas.²³⁷⁰

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years, but in exceptional cases and with permission of the Trade Union Committee, allows for the employment of minors at age 15.²³⁷¹ However, the Law on Children's Rights allows children to work at age 14, but only with parental authorization and providing that the work will not interfere with the child's education.²³⁷² Children under 18 years are prohibited from participating in hazardous work, including work underground, work related to alcoholic beverage production, transportation, and sales, and work with heavy metals.²³⁷³ Legal remedies, civil fines and criminal penalties exist to enforce labor legislation, with fines ranging from USD 133 to 400 and prison terms of up to three years for repeat offenses.²³⁷⁴ The Constitution prohibits forced labor and the exploitation of minors.²³⁷⁵ The Criminal Code prohibits selling and trafficking children and sets a penalty of three to eight years for violation. A new Criminal Code, set to come into force in 2003, provides for 10 to 15 years imprisonment for trafficking and the use of children in the worst forms of child labor.²³⁷⁶ The Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.²³⁷⁷

In January 2002, Moldova introduced a restructured, 121-person Labor Inspection Office, which is responsible for enforcing all labor laws, including those pertaining to child labor. According to a Ministry of Labor official, no cases of child labor were uncovered by the office between January

²³⁶⁸ Net enrollment statistics for Moldova are not available. World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³⁶⁹ While the official age to enter primary school is 7 years, a number of children go to school before the age of 7. To account for these children, the primary school attendance rate includes all children of primary school age who were currently attending school in the school year immediately preceding the survey. Government of Moldova, *MICS2*, 14.

²³⁷⁰ According to 2001 Moldovan press reports, the Ministry of Education estimated that 25 percent of children in rural areas were not attending school. U.S. Department of State, *Country Reports- 2001: Moldova*, 1643-46, Section 5.

²³⁷¹ Article 181 of the Labor Law, as cited in U.S. Embassy- Chisinau, *unclassified telegram no. 1499*, October 2002.

²³⁷² Article 11 of the Law on Children's Rights as cited in Ibid.

²³⁷³ Article 183 of the Labor Law, as cited in Ibid.

²³⁷⁴ Article 183 of the Labor Law, as cited in Ibid.

²³⁷⁵ *Constitution of the Republic of Moldova*, Articles 44, 50.

²³⁷⁶ U.S. Embassy- Chisinau, *unclassified telegram no. 1499*. According to a 2002 report submitted to the UN Committee on the Rights of the Child by Moldovan NGOs, the new Criminal Code has inadequate measures for the enforcement of trafficking legislation, or for the protection and rehabilitation of victims. *Complementary Report of the Non-Governmental Organizations on the Implementation of the UN Convention on the Rights of the Child in the Republic of Moldova*, Chisinau, 2002, 31-32 [cited December 16, 2002]; available from http://www.crin.org/docs/resources/treaties/crc.31/Moldova_ngo_report.pdf.

²³⁷⁷ U.S. Embassy- Chisinau, *unclassified telegram no. 3576*, August 2000. Prostitution is also illegal under Article 105-1 of the Criminal Code, and punishable by imprisonment from six months to one year. Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 29.

and October of 2002.²³⁷⁸ Various government agencies and units have jurisdiction to address trafficking, including a police unit within the Ministry of Internal Affairs, the Justice Service, the Police Academy, the General Prosecution Office, and the Ministries of Justice, Labor, Security, and Economy. As of September 2001, 33 cases against traffickers were pending, and prior to September, 15 cases were prosecuted and ended in amnesties (no prison sentences).²³⁷⁹

The Government of Moldova ratified ILO Convention 138 on September 21, 1999, and ratified ILO Convention 182 on June 14, 2002.²³⁸⁰

²³⁷⁸ U.S. Embassy- Chisinau, *unclassified telegram no. 1499*.

²³⁷⁹ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 29.

²³⁸⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 22, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Mongolia

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

The Government of Mongolia has been a member of ILO-IPEC since 1999.²³⁸¹ The National Council for Children, established in 1994 and led by the Prime Minister, reviews policies and mobilizes resources for the protection of children.²³⁸² The National Children's Committee, under the Minister for Social Welfare and Labor (MOSWL), oversees the implementation of the government's policies on children and provides training to government officials, NGOs, and child specialists.²³⁸³ In 1999, an ILO-IPEC country program funded by USDOL began to build capacity among institutions to combat child labor, raise awareness, and sponsor activities to remove children from work in mining, prostitution, the informal sector (including scavenging in dump sites), and livestock herding.²³⁸⁴

The government provides funds to shelters for vulnerable children.²³⁸⁵ In conjunction with local governments, Save the Children UK works with vulnerable children, such as children living on the streets, by supporting shelters and providing services, and performs advocacy and capacity building.²³⁸⁶ USAID has supported vocational education for teenagers,²³⁸⁷ and the World Bank initiated a project to provide microfinance to vulnerable rural families.²³⁸⁸

Since 2000, the government has provided school materials to children from poor families to encourage them to stay in the formal school system.²³⁸⁹ In 1997, the Ministry of Education, Culture and Science established a Non-Formal Education Center to provide assistance and training

²³⁸¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 2, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²³⁸² ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, MON/02/P50/USA, Geneva, August 30, 2002.

²³⁸³ It was recently upgraded to agency status, and renamed the National Children's Board. Ibid., 29.

²³⁸⁴ The project was funded in September 1999. ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase I*, project document, MON/99/05P/050, Geneva, 1999.

²³⁸⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mongolia*, Washington, D.C., March 4, 2002, 1108-10, Section 5 [cited August 2, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8357.htm>.

²³⁸⁶ Save the Children UK, *Country Report: Mongolia*, 2002, [cited November 12, 2002]; available from http://www.savethechildren.org.uk/development/reg_pub/country_reports/Mongolia_2002.pdf.

²³⁸⁷ USAID, *Mongolia*, [online] [cited August 30, 2002]; available from http://www.usaid.gov/regions/ane/newpages/one_pagers/mong01a.htm.

²³⁸⁸ World Bank, *Projects, Policies and Strategies: Sustainable Livelihoods Project*, [online] December 2, 2002 [cited August 30, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P067770>.

²³⁸⁹ Between 2000-2002, approximately 70,000 children received one-time assistance of this nature. ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 12.

on non-formal education (NFE) techniques, materials and curricula.²³⁹⁰ In 1992, the government established a fund to assist children from poor families with free clothing and school materials.²³⁹¹ The Asian Development Bank is supporting a program to make the education sector more effective, cost efficient and sustainable.²³⁹² The program will also assist the government to implement a Second Education Development Project (SEDP) that will improve access to and quality of education at the basic, non-formal and secondary levels, and create a technical education and vocational training program that teaches skills geared to the local context.²³⁹³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 1.4 percent of children ages 10 to 14 years in Mongolia were working.²³⁹⁴ Children herd livestock and work as domestic servants.²³⁹⁵ Other children sell goods, polish shoes, act as porters, scavenge for saleable materials, beg, and act as grave diggers.²³⁹⁶ Children also work in informal coal mining, either in the mines or scavenging for coal outside,²³⁹⁷ as well as in informal gold mining.²³⁹⁸ There are increasing numbers of children living on the streets in the capital, Ulaan Baatar, who may be at risk of engaging in hazardous

²³⁹⁰ The Non-Formal Education Centers exist in each province, and provide training and education to people of various ages. In addition, vocational education facilities have been decreasing since the transition to a market economy and far fewer students are now able to access those resources. Tuition for vocational schools is charged to meet budget shortfalls, tending to exclude children from poorer families. Ibid., 12-13, 30.

²³⁹¹ United Nations, *Fourth Periodic Report of States Parties due in 1995*, CCPR/C/103/Add.7, prepared by State Party Report, pursuant to Article 40 of the Covenant, June 14, 1999, para. 98 [cited August 30, 2002]; available from <http://www.hri.ca/fortherecord2000/documentation/tbodies/ccpr-c-103-add7.htm>.

²³⁹² Asian Development Bank, *Mongolia; Second Education Development*, project brief, PPTA:MON31214-01, December 22, 1999, [cited August 30, 2002]; available from <http://www.adb.org/Documents/Profiles/PPTA/31214012.ASP>. See also Asian Development Bank, *Country Assistance Plans- Mongolia: 2001-2003*, December 2000, Section III.C.2., "Education," item 70 [cited August 30, 2002]; available from www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon.

²³⁹³ Asian Development Bank, *Second Education Development*, project brief. The SEDP is also supported with funds from the Japanese government and the Nordic Development Fund, and will include construction of schools. See Asian Development Bank, *Pioneer Project in Mongolia Supports Preschool and Disabled Children*, press release, [online] August 8, 2002 [cited August 30, 2002]; available from <http://www.adb.org/Documents/News/2002/nr2002128.asp>. See also Jonathan Addleton, USAID, mission director for Mongolia, interview with USDOL official, October 29, 2001.

²³⁹⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²³⁹⁵ ILO-IPEC, *National Program in Mongolia, Phase II*, project document, 16-18.

²³⁹⁶ Ts. Ariuntungalag, "Child Labour in Mongolia" (Ulaan Baatar: Save the Children Fund, 1998), as quoted in Ibid., 16.

²³⁹⁷ Most mines were closed almost a decade ago, but since many of the openings still exist, in practice coal mining continues. For a discussion of the conditions children face working in the sector, see pages 22 to 23 of the Mongolian Women's Federation Study, commissioned by ILO-IPEC in 2000, as cited in Ibid.

²³⁹⁸ Children do not work in formal (registered) gold mining due to labor inspections and high rates of adult participation, but children are engaged in illegal informal mining, in which individuals work in former gold mines year-long, or in legal mines when they are not in actual operation, such as during winter months. Ibid., 23-25.

work.²³⁹⁹ Urban children often work in small enterprises such as food shops, or in light industry.²⁴⁰⁰ To a lesser extent, children are engaged in commercial sexual exploitation.²⁴⁰¹ There is increasing concern about the trafficking of persons due to factors such as weak border controls and low public awareness, but comprehensive information about the nature and extent of trafficking in Mongolia is not available.²⁴⁰²

Article 16 of the Mongolian Constitution provides free basic education.²⁴⁰³ The Educational Law was revised in May 2002 to expand compulsory education to nine years of schooling, lower the age of enrollment to age 7, and formally define the NFE structure. The revised Law on Primary and Secondary Education of May 2002 directs local governments to cover the costs of NFE.²⁴⁰⁴ Children who enroll in NFE are entitled to take the formal school exams in order to receive primary or secondary school certifications.²⁴⁰⁵ The new Law on Vocational Education was also adopted in May 2002, providing public funds to cover the cost of primary level vocational courses and dormitory costs for students. The law also allows students to join short skills training courses without providing a certificate of completion for compulsory schooling.²⁴⁰⁶ In 1998, the gross primary enrollment rate was 93.7 percent. The net primary enrollment rate was 85.4 percent, with 87.1 percent of girls enrolled versus only 83.7 percent of boys.²⁴⁰⁷ At the national level, 75.6 percent of children ages 7 to 12 are in attendance at the primary school level.²⁴⁰⁸ Young boys often leave school to assist their families with livestock.²⁴⁰⁹ Because Mongolia is largely rural, the government subsidizes dormitories to allow children to stay near schools.²⁴¹⁰

²³⁹⁹ ECPAT International, *Mongolia*, in ECPAT International, [database online] [cited August 22, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

²⁴⁰⁰ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 21.

²⁴⁰¹ *Ibid.*, 18-20.

²⁴⁰² In addition, the extent to which children are victims of trafficking is uncertain. U.S. Department of State, *Country Reports- 2001: Mongolia*, 1110-12, Section 6f.

²⁴⁰³ *Constitution of Mongolia, 1992*, (Ulaan Baatar, January 13, 1992), [cited August 30, 2002]; available from <http://www.indiana.edu/~mongsoc/mong/consttn.txt>.

²⁴⁰⁴ Educational Law and Law on Primary and Secondary Education, cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Status Report*, MON/99/05/050, Geneva, June 14, 2002, 2.

²⁴⁰⁵ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11.

²⁴⁰⁶ Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report*, 2-3.

²⁴⁰⁷ World Bank, *World Development Indicators 2002*.

²⁴⁰⁸ UNICEF, *Multiple Indicator Cluster Survey (MICS) from Mongolia: Preliminary Report*, September 28, 2000, [cited November 12, 2002]; available from <http://www.childinfo.org/MICS2/newreports/mongolia/mongolia.htm>.

²⁴⁰⁹ According to the report, young males tend to leave school in order to assist with the family herds: about 40 percent of students at the secondary level are males, whereas only 20 percent at the tertiary level are males. Asian Development Bank, *Country Assistance Plans- Mongolia*, Section I.C.1, "Gender Issues," item 19.

²⁴¹⁰ UNESCO, *Education for All 2000 Assessment: Country Reports-Mongolia*, prepared by Technology Education Division of the Ministry of Science, Education, and Culture, pursuant to UN General Assembly Resolution 52/84, 1997, Section II, Chapter 2 [cited November 6, 2002]; available from www2.unesco.org/wef/countryreports/Mongolia/CONTENTS.htm. Government statistics show that more than 130,000 children ages 8 to 17 are not in school. Government of Mongolia, *Survey on the Secondary School Dropouts*, Ulaan Baatar, October 10, 2001.

Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age of employment at 16 years, although children aged 15 may work with the permission of a parent or guardian. Children aged 14 may be engaged in vocational training or employment with the permission of both the parent or guardian and MOSWL. The Labor Law prohibits minors from being required to work overtime, on holidays or on weekends, and limits the hours of legal employment based on the age of the minor.²⁴¹¹ In 1999, the government developed a list of prohibited hazardous employment activities for minors.²⁴¹² The Criminal Code of Mongolia was revised in January 2002 to prohibit trafficking in persons and forced child labor. Trafficking of children incurs a 10 to 15 year prison term, and violation of forced child labor provisions are punishable by a fine or up to four years imprisonment.²⁴¹³ The Criminal Code also prohibits prostitution below the age of 16, and penalties apply to organizers, customers and providers of prostitution. Penalties range from monetary fines to imprisonment for up to five years. The production and dissemination of pornographic materials involving children is also illegal under the Criminal Code, with imprisonment of up to two years or correctional work for a maximum of one and a half years, or a monetary fine.²⁴¹⁴

The State Labor and Social Welfare Inspection Agency under MOSWL is responsible for enforcing child labor laws, and recently began collecting data on children engaged in hazardous work. However, labor inspectors rarely inspect medium and small enterprises.²⁴¹⁵ In November 2000, the U.S. Customs Service issued a detaining order against clothing manufactured by a foreign-owned factory in Mongolia, alleging that the factory had used forced child labor in the manufacture of its products.²⁴¹⁶ The detention order was revoked in July 2001.²⁴¹⁷

²⁴¹¹ Children aged 14 and 15 may not work more than 30 hours, and children aged 16 and 17 may not work more than 36 hours per week. Article 141.1.6 assesses the penalty for violation of child labor laws at between 15,000 and 30,000 tugriks (USD 14 to 27). Government of Mongolia, *Labor Law*, (Ulaan Baatar: “Bit Service” Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. For currency conversion, see FX Converter, [cited August 30, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²⁴¹² Government of Mongolia, *List of Prohibited Jobs for Minors/People under 18*, Order No. A/204, (August 13, 1999).

²⁴¹³ Revised Criminal Code, cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 26. Article 16 of the Constitution also prohibits forced labor.

²⁴¹⁴ Criminal Code of Mongolia, Articles 110-111, 125, quoted from Protection Project, *Establishing An International Framework For The Elimination of Trafficking in Persons, Especially Women and Children: Legal Library*, in Protection Project, [database online] [cited August 30, 2002]; available from <http://www.protectionproject.org>.

²⁴¹⁵ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 28-29.

²⁴¹⁶ The order was issued pursuant to U.S. law (19 U.S.C. 1307) after a determination that the factory manufactured textiles using forced labor. Factory working conditions were allegedly substandard, and management was failing to pay overtime correctly. U.S. Customs, *U.S. Customs Commissioner Issues Detention Order on Clothing Produced in Mongolia with Forced Child Labor*, press release, Washington, D.C., November 28, 2000, [cited August 30, 2002]; available from www.customs.gov/hot-new/pressrel/2000/1128-00.htm.

²⁴¹⁷ Revoked on 7/23/2001 by memorandum from the Acting Commissioner. U.S. Customs, *Convict/Forced/Indentured Labor Issuances: Detention Orders and Findings*, [online] [cited August 30, 2002]; available from <http://www.customs.gov/enforcem/dofindin.htm>.

Mongolia has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 26, 2001.²⁴¹⁸

²⁴¹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 7, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Morocco

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

The Government of Morocco became a member of ILO-IPEC in 2000.²⁴¹⁹ The government launched its first program with ILO-IPEC in July 2001.²⁴²⁰ During that same year, ILO-IPEC identified a number of child labor projects to be implemented by local NGOs.²⁴²¹

In October 1999, the Government of Morocco established national and sectoral action plans to combat child labor, especially its worst forms.²⁴²² The national plan focuses on improving implementation and raising awareness of child labor laws, and improving basic education.²⁴²³ Sectoral plans target children in agriculture and herding, the industrial sector (carpets and stitching), metal and auto work, construction, hotel work, tourism, and food production, as well as children working in informal, domestic and other services.²⁴²⁴ The plan is based on a sample survey of working children in Morocco.²⁴²⁵ King Mohammed VI is highly supportive of efforts to combat child labor and promote education.²⁴²⁶ In 2000, the government began a pilot program focusing on girls who work as domestic servants to provide them with education, health care and recreation.²⁴²⁷ Another program in Casablanca established five centers to provide educational, health care and recreational services to girls identified as child maids.²⁴²⁸ Between February 1998 and April 2001, the Ministry of Labor held awareness-raising campaigns with labor and safety and health inspectors.²⁴²⁹ In April 2001, inspectors began their own child labor awareness raising and training sessions for employers.²⁴³⁰

²⁴¹⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited November 30, 2001]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁴²⁰ U.S. Embassy- Casablanca, *unclassified telegram no. 1830*, October 2002.

²⁴²¹ ILO-IPEC, *Avant-Projets: Programme IPEC/Maroc*, Morocco, October 2001.

²⁴²² U.S. Consulate- Casablanca, *unclassified telegram no. 1157*, 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.

²⁴²³ Kingdom of Morocco, *Plans national et sectoriels d'action*, 5-6.

²⁴²⁴ *Ibid.*, 10-35.

²⁴²⁵ Kingdom of Morocco, *Le travail des enfants au Maroc. Diagnostic et propositions de plan national et de plans sectoriels d'action*, ILO, Rabat, October 1999.

²⁴²⁶ Nicolas Pelham, "Fine crafts from too-tiny hands. Morocco's new king launches jihad on rampant child labor," *The Christian Science Monitor*, January 11, 2001, [cited December 11, 2001]; available from <http://www.csmonitor.com/durable/2001/01/11/pls3.htm>.

²⁴²⁷ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

²⁴²⁸ *Ibid.*

²⁴²⁹ U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴³⁰ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

The government also works with the National Observatory for Children's Rights,²⁴³¹ whose president is Princess Lalla Meryem. The Observatory has set up a children's parliament to enable children to express their views on their situations and problems.²⁴³² In May 2002, the Observatory participated in a round table with the Inter-Parliamentary Union and ILO-IPEC that produced a manual to raise awareness among parliamentarians of ILO Convention 182 and the worst forms of child labor.²⁴³³

The Ministry of National Education (MEN) and the Ministry of Labor continue to work with international organizations and local partners to increase school attendance. MEN has targeted 100 percent school enrollment at the primary level for the 2002-2003 school year.²⁴³⁴ In cooperation with the Ministry of Health and with the support of UNICEF, MEN also is pursuing a strategy to ensure basic education and healthcare for child workers.²⁴³⁵ In September 2000, authorities in the city of Fez began a program to open four centers for the protection of child handicraft workers, where children's rights education is provided to child workers, their families and employers.²⁴³⁶ The government has also supported two other important initiatives; it hosted the Arab African Forum against the Sexual Exploitation of Children and supported a national campaign by a local NGO, UNICEF and other donors against the employment of child maids and the promotion of education for all children.²⁴³⁷

The government has taken steps to improve the quality of primary education by reforming the curriculum, training and hiring more teachers, and assigning teachers to their hometowns to reduce absenteeism.²⁴³⁸ MEN is implementing a World Bank-funded program to strengthen institutional capacity, improve teaching quality and build or rehabilitate rural schools.²⁴³⁹ Yet the teacher-

²⁴³¹ Kingdom of Morocco, *Observatoire National des Droits de L'Enfant (National Observatory for Children's Rights)* [CD-ROM], 2001. See also Observatoire National des Droits de L'Enfant, [online] November 4, 2002 [cited December 16, 2002]; available from <http://www.onde.org.ma>.

²⁴³² See Kingdom of Morocco, *Observatoire National des Droits de L'Enfant*. See also Arabic News, *Child labor statistics improve in Morocco*, (Economics), in ArabicNews.com, [online] June 19, 1999 [cited September 18, 2002]; available from <http://www.arabicnews.com/ansub/Dailiy/Day/990619/1999061926.html>.

²⁴³³ The World of Parliaments: Quarterly Review, *Panel on Eliminating Worst Forms of Child Labour*, (Issue no. 6), [online] May 2002, 5 [cited December 16, 2002]; available from <http://www.ipu.org/news-e/6-5.htm>. See also "Eradiquer les pires formes de travail des enfants" (paper presented at the 107th Conference de l'Union Interparlementaire, Marrakech, March 17-23, 2002), [cited September 18, 2002]; available from http://www.majliss-announwab.ma/FRANCAIS/travail_enfant.html.

²⁴³⁴ U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴³⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Morocco*, Washington, D.C., February 2001, Section 6d [cited November 30, 2001]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=804>.

²⁴³⁶ Ibid.

²⁴³⁷ Ibid., Section 6f.

²⁴³⁸ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

²⁴³⁹ World Bank, *Documents and Reports: Morocco - Education Reform Support Project*, project information document, PID10151, Rabat, March 6, 2001, [cited December 16, 2002]; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000094946_01041102152241.

student ratio is still high with 52.5 students per class in urban schools and 38.2 in rural schools.²⁴⁴⁰ MEN also runs programs for out-of-school children under its Non-Formal Education Program.²⁴⁴¹ MEN contracts with over 40 local NGOs to provide non-formal education.²⁴⁴² In 1996, public expenditure on education represented 5 percent of GNP and 25 percent of total government expenditures.²⁴⁴³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 5.5 percent of children ages 7 to 14 years in Morocco were working.²⁴⁴⁴ The majority of child labor is found in the agricultural sector.²⁴⁴⁵ Boys and girls work as shepherds and are paid with cash or in kind.²⁴⁴⁶ Children also work as weavers in the carpet industry; in small family-run workshops that produce ceramics, woodwork, and leather goods; and as mechanics, porters, tourist guides, street vendors, and beggars.²⁴⁴⁷ Many children

²⁴⁴⁰ U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁴¹ Kingdom of Morocco Ministry of National Education, *Education non-formelle: L'école de la deuxième chance*. The capacity of the non-formal system to address need is strained. Around 2 million Moroccan children under the age of 16 are not going to school, whereas the non-formal program of the Ministry of Education serves 35,000 children. See Arabic News, *Princess Chairs Closing Session of National Children's Rights Congress*, (Culture), in ArabicNews.com, [online] May 27, 1999 [cited September 18, 2002]; available from <http://www.arabicnews.com/ansub/Daily/Day/990527/1999052752.html>. The non-formal program, created in 1997 has served 113,545 children from ages 8-16 years. The Ministry of Labor's Social Affairs Directorate provides non-formal "Formation-Insertion" programs to older children and young adults. See U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁴² Kingdom of Morocco, Ministry of National Education, Non-Formal Education Directorate, and Partnership Division, *Liste des Associations Partenaires du M.E.N. dans le Programme d'Education Non-Formelle*, Rabat, October 19, 2001.

²⁴⁴³ UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 164.

²⁴⁴⁴ According to the ILO, 514,694 children are working. See ILO, *Yearbook of Labour Statistics (2000)*, Geneva, 2000, Table 1A. In 1995, a survey conducted by the Government of Morocco, in collaboration with ILO-IPEC estimated that 6.5 percent of children under the age of 15 in Morocco were working. Kingdom of Morocco, *Le travail des enfants au Maroc*. Government statistics indicate that child work declined by one percent in the 1999-2000, and by two percent in 2000-2001. See U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁴⁵ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. A Ministry of Finance and Planning labor force study by the Statistics Directorate concluded that nearly nine out of ten child workers are found in rural areas, and 84 percent of these are engaged in farm work. See U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁴⁶ Girls also feed and milk animals, fetch water, and collect firewood. See International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail: A Case Study of Young Garment Workers in Méknès (Morocco) Dismissed from Their Jobs Following Foreign Media Attention*, International Society for the Prevention of Child Abuse and Neglect, 1998, 15.

²⁴⁴⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Morocco*, Washington, D.C., March 4, 2002, 2222-26, Section 6d [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8277.htm>. See also Pelham, "Fine crafts from too-tiny hands." See also International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail*, 15. UNICEF estimates that 5,000-10,000 children work in the artisan carpet industry, and it is estimated that more than 3,000 are producing carpets for export. A Ministry of Labor and ILO-IPEC investigation found that 98 percent of children in this sector are 12 years old, or younger. See U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

work as apprentices before they reach 12 years of age, particularly in the informal handicraft industry, where they traditionally are not considered workers but trainees learning a skill or trade.²⁴⁴⁸

In urban areas, girls can be found working as domestic servants, often in situations of unregulated “adoptive servitude”²⁴⁴⁹ whereby girls, often from rural areas, are trafficked, “sold” by their parents, or offered by orphanages and “adopted” by wealthy urban families to work in their homes.²⁴⁵⁰ In urban areas, teenagers are reported to engage in prostitution.²⁴⁵¹ A recent study on street children also found that they engage in diverse forms of work including selling cigarettes, begging, shining shoes, and other miscellaneous occupations.²⁴⁵²

Education is compulsory for six years, or between the ages of 7 and 13.²⁴⁵³ Primary education is free.²⁴⁵⁴ The government does not enforce the compulsory education law²⁴⁵⁵ however, and an estimated 80 percent of working children are not in school.²⁴⁵⁶ In 1998, the gross primary enrollment rate was 97 percent, and the net primary enrollment rate was 79.5 percent.²⁴⁵⁷

²⁴⁴⁸ A study of the artisan sector in the city of Fez found that 45 percent of workers were less than 15 years of age, as cited in U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Morocco*, Section 6d. See also International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail*, 15. See also U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁴⁹ U.S. Department of State, *Country Reports- 2001: Morocco*, 2219-22, Section 5.

²⁴⁵⁰ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Morocco*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2001: Morocco*, Washington, D.C., July 2001; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3928.htm>. It is estimated that 45.4 percent of household employees under the age of 18 are ages 10 to 12, and 26.4 percent are under the age of 10. See U.S. Department of State, *Country Reports- 2001: Morocco*, 2219-22, Section 5. Over 80% of child maids are illiterate and from rural areas. A 2000 study by the Ministry of Planning funded by UNICEF estimates that there are approximately 13,000 girls under age 15 working as maids in Casablanca, while another put the total at 20,000 in other Moroccan major cities. See U.S. Department of State, *Country Reports- 2001: Morocco*, 2222-26, Section 6d. UNICEF estimates the average age of all child maids was less than 11 years old and work on average 67 hours per week. See U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁵¹ Wafa Bennani, “Morocco Street Children,” excerpted from Reuters, (Casablanca), September 24, 1996, [cited December 11, 2001]; available from www.pangaea.org/street_children/africa/morocco.htm. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Morocco*, Section 5.

²⁴⁵² 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 préliminaire sur les enfants de la rue*, Rabat, October 2001.

²⁴⁵³ U.S. Department of State, *Country Reports- 2001: Morocco*, 2219-22, Section 5.

²⁴⁵⁴ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

²⁴⁵⁵ U.S. Department of State, *Country Reports- 2001: Morocco*, 2219-22, Section 5. See also U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁵⁶ Kingdom of Morocco, *Plans national et sectoriels d’action*, 3.

²⁴⁵⁷ In 1998, the gross primary enrollment rate was 106.8 percent for boys and 86.9 percent for girls. The net primary enrollment rate was 85.5 percent for boys and 73.2 percent for girls. See World Bank, *World Development Indicators 2001* [CD-ROM], Washington, D.C., 2001.

Attendance rates are not available for Morocco. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁴⁵⁸ Morocco has low primary school retention rates and high dropout rates, particularly for rural girls who often do not complete primary school.²⁴⁵⁹ The percentage of students who entered primary school in 1995 and reached grade two was 92 percent, and the percentage that reached grade five was 75 percent.²⁴⁶⁰ In the 2000-2001 school year, the percentage of children in primary school increased by 4.8 percent.²⁴⁶¹

Child Labor Laws and Enforcement

In January 2001, the adoption of ILO Convention 138 led to a change in the minimum age for employment from 12 to 15 years.²⁴⁶² The minimum age law applies to all sectors and includes apprentices and children who work in family businesses.²⁴⁶³ The minimum age for hazardous and night work is 16 years.²⁴⁶⁴ A royal decree prohibits forced or compulsory labor, which particularly affects children in "adoptive servitude."²⁴⁶⁵

The Ministry of Labor is responsible for implementing and enforcing child labor laws and regulations.²⁴⁶⁶ Legal remedies to enforce child labor laws include criminal penalties, civil fines and withdrawal of licenses. However, the small number of labor inspectors and the lack of resources limit the application of these remedies, and they are generally insufficient to punish and deter violators.²⁴⁶⁷ In May 2000, participants at a colloquium on legal protection for female workers urged the government to institute stronger legal measures to sanction employers who hire

²⁴⁵⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁴⁵⁹ U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁶⁰ UNESCO, *World Education Report 2000*, 144.

²⁴⁶¹ U.S. Department of State, *Country Reports- 2001: Morocco*, 2219-22, Section 5.

²⁴⁶² U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. The Ministry of Labor has summarized major legislation regarding child labor and international norms. See Kingdom of Morocco, *Les enfants au travail. Législation nationale et normes internationales*, Ministry of Labor, Department of Employment, Rabat, December 1997.

²⁴⁶³ U.S. Department of State, *Country Reports- 2001: Morocco*, 2222-26, Section 6d.

²⁴⁶⁴ *Ibid.*

²⁴⁶⁵ *Ibid.*, 2222-26, Section 6c. Adoptive servitude is difficult to monitor because it falls outside the jurisdiction of the Ministry of Labor. Courts can take action once two witnesses file a complaint, but few employers of child maids have been prosecuted. See U.S. Embassy- Casablanca, *unclassified telegram no. 1830*.

²⁴⁶⁶ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. See also U.S. Department of State, *Country Reports- 2001: Morocco*, 2222-26, Section 6d.

²⁴⁶⁷ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

children for domestic labor at the ages of compulsory school attendance.²⁴⁶⁸ In March 2002 at the invitation of the Moroccan Parliament, participants at a meeting of the Inter-Parliamentary Union in Marrakech received guidance on tools that parliamentarians and legislators can use to implement at a local level principles contained in international legislation on child labor.²⁴⁶⁹

The Government of Morocco ratified ILO Convention 138 on January 6, 2000 and ILO Convention 182 on January 26, 2001.²⁴⁷⁰

²⁴⁶⁸ The colloquium was organized by groups associated with Amnesty International and the University Hassan 1er of Settat. See El Bayane, *Dignité et droits des bonne, Toute la société interpellée*, in lamarocaine.com, [online] May 23, 2000 [cited September 18, 2002]; available from <http://www.lamarocaine.com/news/news2000/news14.htm>. The Union of Moroccan Women has also demanded that authorities act to abolish child labor in the country after hearing disturbing testimony from parents and children of bonded domestic labor. See BBC World Service, *Moroccan call to end child labour*, BBC News, [online] May 28, 2000 [cited September 18, 2002]; available from <http://news.bbc.co.uk/1/hi/world/africa/767182.stm>.

²⁴⁶⁹ ILO, *Note aux correspondants: L'OIT et l'Union interparlementaire en campagne contre les pires formes de travail des enfants*, [online] March 14, 2002 [cited September 18, 2002]; available from <http://www.ilo.org/public/french/bureau/inf/pr/2002/11.htm>.

²⁴⁷⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 30, 2001]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Mozambique

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

In 1999, the Government of Mozambique began working with UNICEF to implement a rapid assessment survey of child labor. Following the completion of the survey, the Ministry of Labor worked with UNICEF to develop a Draft Strategy for the Eradication of Child Labor.²⁴⁷¹ The government is collaborating with UNICEF and ILO-IPEC to implement a plan of action developed at a national child labor conference held in July 2001. The plan calls for the prevention of child labor, and the protection and rehabilitation of child workers.²⁴⁷² In 2002, the government sponsored a “Child Parliament,” during which children had the opportunity to express their views on problems affecting them and to propose solutions.²⁴⁷³

Since 1997, the government has worked on a campaign against child prostitution and sexual abuse, including such activities as disseminating pamphlets and flyers and issuing public service announcements.²⁴⁷⁴ The government has trained the police about child prostitution and pornography and initiated a rehabilitation program for children in prostitution by providing education referrals and training opportunities.²⁴⁷⁵ In June 2000, the Ministry of Women and Social Action launched a campaign against the sexual exploitation of children and is educating hotel employees about child prostitution.²⁴⁷⁶

The government has established a scholarship program to cover the costs of school materials and fees for children, with a focus on the needs of girls. In addition, the government has established a Poverty Reduction Strategy for 2001-2005, which includes a component on investment in education.²⁴⁷⁷ The government also is working with international donors to expand the primary school network.²⁴⁷⁸

²⁴⁷¹ Government of Mozambique, Ministry of Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, Geneva, 1999/2000, 96. The Ministry of Labor is currently undertaking a global review of all relevant laws and regulations for future consolidation, harmonization, and modernization. The Ministry is also drafting new regulations prohibiting most street and market vending activities by children. See also U.S. Embassy- Maputo, *unclassified telegram no. 2817*, October 2001.

²⁴⁷² U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

²⁴⁷³ His Excellency Joaquim Alberto Chissano, Statement at UN Special Session on Children, May 8, 2002, [cited December 27, 2002]; available from <http://www.un.org/ga/children/mozambiqueE.htm>.

²⁴⁷⁴ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

²⁴⁷⁵ Ibid.

²⁴⁷⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Mozambique*, Washington, D.C., February 23, 2001, Section 5 [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=859>. See also UNICEF, *UNICEF Mozambique Situation Report 04-11 Oct 2002*, ReliefWeb, [online] October 11, 2002, [cited October 31, 2002]; available from <http://www.reliefweb.int/w/rwb.nsf/9ca65951ee22658ec125663300408599/3606dbdaad929e4cc1256c5d0031ecb6?OpenDocument>.

²⁴⁷⁷ Statement at UN Special Session on Children.

²⁴⁷⁸ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 32.7 percent of children ages 10 to 14 years in Mozambique were working.²⁴⁷⁹ A rapid assessment child labor survey of children under 18 conducted by the Ministry of Labor and UNICEF estimated that approximately 50 percent of children begin working before the age of 12.²⁴⁸⁰

Children work in the informal sector on family farms, in factories, forestry, and small-scale mining.²⁴⁸¹ There are also reports of the growing incidence of children working in construction.²⁴⁸² In urban areas children wash and guard cars, collect scrap metal, hawk food and other goods on streets, and beg.²⁴⁸³ In rural areas, they work on commercial farms alongside their parents or as independent workers, often picking cotton or tea.²⁴⁸⁴ Children, mostly girls, also work as domestic servants.²⁴⁸⁵ In some cases, children are forced to work in order to settle family debts.²⁴⁸⁶ There are reports by child advocates that a small number of children are trafficked to South Africa and Swaziland for prostitution, however there have been no confirmed cases.²⁴⁸⁷ The number of children in prostitution is growing in both urban and rural regions such as the Maputo,

²⁴⁷⁹ ILO statistics as cited in World Bank, *World Development Indicators 2001* [CD-ROM], Washington, D.C., 2001.

²⁴⁸⁰ Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 36. UNICEF now expects that the effects of two years of heavy rains and flooding in 2000 and 2001, followed by the current severe drought and food insecurity affecting the Southern Africa region, will lead to decreased school enrolment and attendance and increased child labor as the demands upon household income and time for water collection/food scavenging increase. See UNICEF, *Situation Up-date: Mozambique*, May 10, 2002.

²⁴⁸¹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mozambique*, Washington, D.C., March 4, 2002, 479-82, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8394.htm>. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 58, 78.

²⁴⁸² U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

²⁴⁸³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 54.

²⁴⁸⁴ U.S. Department of State, *Country Reports- 2000: Mozambique*, Section 6d. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, "Child Labour in the Tobacco-Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labour, Nairobi, October 8-9, 2000), 48. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 61-76.

²⁴⁸⁵ U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 47.

²⁴⁸⁶ U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-82, Section 5 and 6d.

²⁴⁸⁷ *Ibid.*, 479-82, Section 6f. The League of Human Rights in Mozambique has been investigating a 2000 case involving the trafficking of a 17-year old girl. See U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-79, Section 5. She was held for two months in South Africa and may have been sexually abused. See U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6f.

Beira and Nacala areas.²⁴⁸⁸ Many children victims of commercial sexual exploitation have been infected with HIV/AIDs.²⁴⁸⁹

Education is compulsory and free through the age of 12, but there is a matriculation fee for each child, and children are responsible for purchasing books and school supplies.²⁴⁹⁰ Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the lack of schools in the upper grades.²⁴⁹¹ In 1999, the gross primary enrollment rate was 75.6 percent, and the net primary enrollment rate was 43.6 percent.²⁴⁹² In 1995, 86 percent of students who entered primary school reached grade two, and 46 percent reached grade five.²⁴⁹³ Girls have lower enrollment rates and higher dropout rates than boys, although in 1999 the drop out rate for boys exceeded that of girls.²⁴⁹⁴ Floods in February and March 2000 destroyed a number of schools, and other schools were converted into emergency shelters.²⁴⁹⁵ The Ministry of Education reported that more than 105,000 primary school students have been prevented from attending classes as a result of the floods.²⁴⁹⁶ More recently, drought conditions have placed pressure on families to withdraw children from school in order to save money for food.²⁴⁹⁷

Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases, allows for children under 15 to work with the joint approval of the Ministries of Labor, Health, and Education.²⁴⁹⁸ It sets restricted conditions on the work minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical

²⁴⁸⁸ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Mozambique*, CRC/C/15/Add.172, Geneva, April 3, 2002, 21 [cited December 27, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d8a28bd0a8c53653c1256bd800545e83?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d8a28bd0a8c53653c1256bd800545e83?Opendocument). See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

²⁴⁸⁹ U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-79, Section 5.

²⁴⁹⁰ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

²⁴⁹¹ *Ibid*.

²⁴⁹² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁴⁹³ UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144.

²⁴⁹⁴ In 1999, the gross primary enrollment rate was 86.3 percent for boys and 64.8 percent for girls, and the net primary enrollment rate was 47.4 percent for boys and 39.8 percent for girls. Ninety percent of boys who entered primary school in 1995 reached grade two, and 52 percent reached grade five. The rates for girls were 79 and 39 percent, respectively. See World Bank, *World Development Indicators 2002*. See also UNESCO, *World Education Report 2000*, 144.

²⁴⁹⁵ U.S. Department of State, *Country Reports- 2000: Mozambique*, Section 5.

²⁴⁹⁶ UNICEF Alert!, *Mozambique*, [online] July 1, 2002, [cited December 16, 2002]; available from <http://www.unicefusa.org/alert/emergency/mozambique/mozambique.html>.

²⁴⁹⁷ UNICEF, *Situation Up-date: Mozambique*.

²⁴⁹⁸ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

exam requirements.²⁴⁹⁹ 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.²⁵⁰⁰ The Constitution prohibits forced labor, except in the context of penal law,²⁵⁰¹ and there were no reports of such practices in the formal economy.²⁵⁰² Yet it is reported that in rural areas children are forced to work to settle debts or other disputes.²⁵⁰³

Offering or procuring of prostitution and pornography of any form, including that of children, are illegal under the Penal Code.²⁵⁰⁴ In May 1999, the National Assembly passed a law prohibiting the access of minors to bars and clubs in an effort to address the problem of children prostitution.²⁵⁰⁵ Some provisions of the Penal Code can also help protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.²⁵⁰⁶ The age for conscription and voluntary recruitment into the military is 18 years.²⁵⁰⁷ In times of war, however, the minimum age for military conscription may be changed.²⁵⁰⁸

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.²⁵⁰⁹ Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.²⁵¹⁰ There has not been any specialized training for labor inspectors on child labor. The police are responsible for investigating complaints relating to child labor offences punishable under the Penal Code.²⁵¹¹ The Labor Inspectorate at the Ministry of Labor is responsible for investigating complaints about violations of child labor laws; however, the Labor Inspectorate and police lack adequate staff, funds and training to investigate child labor

²⁴⁹⁹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

²⁵⁰⁰ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

²⁵⁰¹ *Constitution of Mozambique, 1990*, (November 1990), Article 88(3) [cited December 6, 2001]; available from <http://confinder.richmond.edu/MOZ.htm>.

²⁵⁰² U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6c.

²⁵⁰³ *Ibid.*

²⁵⁰⁴ Government of Mozambique, *Criminal Code*, Article 1 [cited December 27, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 475-79, Section 5.

²⁵⁰⁵ U.S. Department of State, *Country Reports- 2001: Mozambique*.

²⁵⁰⁶ Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 80.

²⁵⁰⁷ U.S. Embassy- Maputo, *unclassified telegram no. 2544*, September 2001.

²⁵⁰⁸ Coalition to Stop the Use of Child Soldiers, "Mozambique," in *Global Report 2001* London, May 2001, [cited December 27, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/271431570d2ec5d980256b1e004dc637?OpenDocument>.

²⁵⁰⁹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

²⁵¹⁰ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

²⁵¹¹ *Ibid.*

cases, especially in areas outside the capital.²⁵¹² In theory, violators of child labor laws would be subject to fines ranging from one to 10 times the minimum wage.²⁵¹³

The Government of Mozambique has not ratified ILO Conventions 138 or 182.²⁵¹⁴

²⁵¹² U.S. Department of State, *Country Reports- 2001: Mozambique*, 479-82, Section 6d.

²⁵¹³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

²⁵¹⁴ U.S. Department of State, *Country Reports- 2001: Mozambique*, Section 6d. See also ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 13, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>. Ratification was promised in a July 2001 conference, and the Ministry of Labor has forwarded the convention to the National Assembly. See U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

Namibia

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

The Government of Namibia collaborated with ILO-IPEC and UNICEF on a national child labor survey in 1999.²⁵¹⁵ The tripartite Labor Advisory Council, comprised of government, union and private sector representatives, sponsored a series of awareness-raising workshops in 2001 for employers on child labor regulations.²⁵¹⁶ Police and immigration officials have received training in combating trafficking in persons.²⁵¹⁷ The Ministry of Health and Social Services is running a Street Children Program that seeks to place street children in shelters and register their parents in income-generating programs.²⁵¹⁸

The Ministry of Basic Education, Sport and Culture is building and renovating school facilities, and working to improve access to basic education for children from marginalized groups. Specific efforts include the creation of community-based curricula, mobile schools and school meal programs.²⁵¹⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 17.4 percent of children ages 10 to 14 years in Namibia were working.²⁵²⁰ Approximately 95.4 percent of working children live in rural areas, with 77.8 percent working in agriculture, hunting and forestry.²⁵²¹ Children in Namibia also work in trading, basket weaving, beer making, barbering, herding, and selling firewood.²⁵²² During the war in Angola

²⁵¹⁵ Government of the Republic of Namibia, *Namibia Child Activities Survey 1999: Report of Analysis*, Ministry of Labour, Windhoek, December 2000, iv [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/namibia/report/namibia.pdf>.

²⁵¹⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Namibia*, Washington, D.C., March 4, 2002, 494-96, Section 6d [cited August 29, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8395.htm>.

²⁵¹⁷ *Ibid.*, 494-96, Section 6f.

²⁵¹⁸ 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, [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

²⁵¹⁹ Government of the Republic of Namibia, Ministry of Basic Education, Sport, and Culture, *A Decade of Peace, Democracy and Prosperity 1990 - 2000*, [online] [cited August 29, 2002]; available from http://www.op.gov.na/Decade_peace/b_edu.htm.

²⁵²⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. The *Namibia Child Activities Survey 1999* found that 16.3 percent of children aged 6 to 18 years were working. Government of the Republic of Namibia, *Namibia Child Activities Survey 1999*, 40.

²⁵²¹ Government of the Republic of Namibia, *Namibia Child Activities Survey 1999*, 5 and 7.

²⁵²² *Ibid.*, 4. 84.4 percent of children worked on family farms or in their own home. Government of the Republic of Namibia, *Namibia Child Activities Survey 1999*, 58.

from 1975 to 2002, there were reports that children were reportedly recruited by Angolan armed forces from Northern Namibia to fight in Angola against rebel forces.²⁵²³

Education is compulsory in Namibia. Children are required to be in school until they complete their primary education or until the age of 16.²⁵²⁴ Although the Constitution mandates that primary education shall be free, in practice there are numerous fees for such items as uniforms, books and school improvements.²⁵²⁵ In 1998, the gross primary enrollment rate was 126.1 percent, and the net primary enrollment rate was 86.3 percent.²⁵²⁶ Attendance rates for Namibia are not available. While enrollment rates reflect a level of commitment to education, they do not always reflect children's participation in school.²⁵²⁷

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years, prohibits the employment of children under the age of 15 in any mine or industrial setting, and prohibits children under the age of 16 from working underground.²⁵²⁸ The Constitution provides that children under 16 are entitled to be protected from economic exploitation and are not to be employed or required to perform work that is likely to be hazardous, harmful to their health or physical, mental, spiritual, moral, or social development, or to interfere with their education.²⁵²⁹ The Constitution also prohibits slavery and forced labor.²⁵³⁰

²⁵²³ U.S. Department of State, *Country Reports- 2001: Namibia*, 492-94, Section 5.

²⁵²⁴ *Constitution of the Republic of Namibia, 1990*, (February 1990), Article 20 [cited August 29, 2002]; available from http://www.uni-wuerzburg.de/law/wa00000_.html.

²⁵²⁵ U.S. Department of State, *Country Reports- 2001: Namibia*, 492-94, Section 5. See also *Constitution of the Republic of Namibia, 1990*, Article 20.

²⁵²⁶ World Bank, *World Development Indicators 2002*. A study conducted for the Ministry of Health and Social Services estimated that there are 82,667 orphans, representing 20 percent of all Namibian children aged 17 and younger. As a consequence of the HIV-AIDS epidemic, government policymakers face a budgetary choice between training replacement teachers or using those resources to assist HIV-AIDS affected children to pay school fees. See U.S. Embassy- Windhoek, *unclassified telegram no. 0315*, April 2002.

²⁵²⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁵²⁸ Government of the Republic of Namibia, *Labour Act 1992*, Section 42, cited in Government of the Republic of Namibia, *Namibia Child Activities Survey 1999*, 8.

²⁵²⁹ *Constitution of the Republic of Namibia, 1990*, Article 15.

²⁵³⁰ *Ibid.*, Article 9. There have been reports, however, of children working as farm laborers without adequate compensation. See U.S. Department of State, *Country Reports- 2001: Namibia*, 494-96, Section 6d.

The Ministry of Labor is responsible for enforcing the Labor Act.²⁵³¹ The ministry has limited resources and its 24 inspectors are not trained specifically in child labor issues.²⁵³² Labor inspectors have experienced difficulties inspecting family-owned, commercial farms to investigate child labor.²⁵³³

The Government of Namibia ratified ILO Convention 138 and ILO Convention 182 on November 15, 2000.²⁵³⁴

²⁵³¹ ILO, *The Effective Abolition of Child Labour*, 322.

²⁵³² U.S. Department of State, *Country Reports- 2001: Namibia*, 494-96, Section 6d. See also ILO, *The Effective Abolition of Child Labour*, 322.

²⁵³³ U.S. Department of State, *Country Reports- 2001: Namibia*, 494-96, Section 6d.

²⁵³⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Nepal

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

The Government of Nepal has been a member of ILO-IPEC since 1995. A national child labor survey was conducted in 1996 with technical assistance from ILO-IPEC.²⁵³⁵ A follow-up national child labor survey for 2003 is also being planned by the government with technical assistance from ILO-IPEC's SIMPOC.²⁵³⁶ Since 1999, Nepal has been part of a three-country Asia sub-regional project to combat trafficking.²⁵³⁷ In 2001, five rapid assessments on various areas of child labor were undertaken and completed.²⁵³⁸ Also in 2001, with funding from USDOL, Nepal became one of three countries to launch a comprehensive ILO-IPEC Timebound Program.²⁵³⁹ The government has also taken action to rescue and rehabilitate recently freed bonded laborers and has established a

²⁵³⁵ ILO-IPEC estimates that almost 12,000 working children and their families have benefited from more than 100 ILO-IPEC child labor programs in four specific areas: policy formulation by government and NGOs; direct intervention programs with child workers; awareness raising and community mobilization; and legislation and enforcement. See ILO-IPEC, *IPEC Country Profile: Nepal*, Geneva, 2001, 1-2 [cited September 6, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/timebound/nepal.pdf>.

²⁵³⁶ ILO-IPEC, *Child Labor Statistics, SIMPOC countries*, [online] July 24, 2002 [cited September 10, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm>.

²⁵³⁷ ILO-IPEC, *South Asian Sub-Regional Programme to combat the trafficking of children for exploitative employment in Bangladesh, Nepal and Sri Lanka*, project document, RAS/00/05/010, Geneva, February 2000. A phase two of this project began in October 2002.

²⁵³⁸ These assessments were funded by USDOL with technical assistance from ILO-IPEC's SIMPOC as part of a project that conducted 38 rapid assessments of the worst forms of child labor in 19 countries and one border area. Themes include trafficking of girls, child rag pickers, domestic child laborers in Kathmandu, bonded child labor, and child porters. To view the rapid assessments, see ILO-IPEC, *Child Labor Statistics: Rapid Assessments*, [online] August 2002 [cited September 26, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ra/index.htm>.

²⁵³⁹ ILO-IPEC, *IPEC Action Against Child Labour 2000-2001 Progress and Future Priorities*, Geneva, January 2002, 23 [cited October 20, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/about/implementation/ipeccreport.pdf>. See also ILO-IPEC, *Supporting the Time-Bound Programme in Nepal: The IPEC Core TBP Project*, Geneva, September 2001. The Government of Nepal has a National Master Plan on Child Labor for eliminating the worst forms of child labor in five years and all forms of child labor in ten years. See ILO-IPEC, *Working for Nepalese Children: An Overview of Child Labour Related Programmes in Nepal*, Geneva, 2001, 3. The Master Plan identifies 16 worst forms of child labor; the IPEC Core Timebound program will target seven worst forms of child labor involving child porters, rag pickers, domestic workers, laborers in the carpet industry and in mines, bonded labor, and trafficking for sexual or labor exploitation in 35 districts of Nepal in two phases (totaling seven years). See Ministry of Labour and Transport Management, *National Master Plan on Child Labour, 2001-2010*, Kathmandu, 2001, 9. In March 2002, World Education, Inc. was awarded a four-year cooperative agreement from USDOL to implement a child labor educational initiative program to complement and supplement the ILO-IPEC Core Timebound Project. See World Education, *Projects by Region*, [online] 2002 [cited September 9, 2002]; available from http://www.worlded.org/projects_region.html#nepal.

Freed Kamaiya Rehabilitation and Monitoring Committee to promote this work at the district level.²⁵⁴⁰

In 1995, the Ministry of Labor and Transport Management of Nepal instituted a National Steering Committee for IPEC, and in 2001, coordinated and finalized a national Master Plan on Child Labor for 2001-2010.²⁵⁴¹ 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 coordinates activities and provides guidelines and decisions on child trafficking.²⁵⁴² In 2001, 29 child labor related programs were carried out in Nepal by 18 international development agencies for action designed to benefit Nepalese children.²⁵⁴³ The private sector, specifically the carpet manufacturers association, is making efforts to eradicate child labor; over half of all carpet factories participate in a system that certifies that carpets are made without child labor.²⁵⁴⁴

²⁵⁴⁰ The Committee is chaired by the District Development Committee and members include representatives from offices of the police, education, administration, forest, land reforms, labor, welfare, agricultural development, banking, and trade unions, as well as peasant organizations, NGOs and a freed Kamaiya laborer. See Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002). In 2000, USDOL funded a project through ILO-IPEC to support former child bonded laborers and their families. ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, project document, NEP/00/P51/USA, Geneva, December 2000. The Kamaiya system, now outlawed, is one form of bonded labor concentrated in five Terai districts: Kanchanpur, Kailali, Bardiya, Banke, and Dang. However, other bonded labor practices exist in other areas of Nepal. See ILO-IPEC, *Bonded Labor in Nepal*, project document, 3. See also ILO-IPEC, *Working for Nepalese Children*, 5.

²⁵⁴¹ ILO-IPEC, *Supporting the Time-Bound Programme in Nepal*, 14. See also Ministry of Labour and Transport Management, *National Master Plan on Child Labour*.

²⁵⁴² The Ministry of Women, Children and Social Welfare (MWCSW) has been appointed the national focal point for anti-trafficking initiatives. 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. Nepal's District, Municipality, and Village Task Forces in four districts are engaged in capacity-building activities in cooperation with ILO-IPEC and will play a part in cross-sectoral coordination of implementing and enforcing the National Plan of Action to Combat Trafficking. U.S. Embassy- Kathmandu, *unclassified telegram no. 2168*, November 2002.

²⁵⁴³ In addition, there are 240 local NGOs registered throughout the country with the objective of child development, with several hundred groups community-based organizations, research and media groups working to eliminate child labor. The 29 child labor related programs contain some 400 to 500 projects. See ILO-IPEC, *Working for Nepalese Children*, 3, 5 and 7.

²⁵⁴⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Nepal*, Washington, D.C., March 4, 2002, 2482-85, Section 6d [cited September 4, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8234.htm>. See also Rugmark, *Rugmark*, [online] [cited September 9, 2002]; available from <http://www.rugmark.org/about.htm>.

The Basic and Primary Education Project has been underway since 1993 and aims to improve quality, access and retention of students, and institutional capacity.²⁵⁴⁵ The Primary Education Development Project has been underway since 1992 and aims to prepare new primary school teachers and construct schools.²⁵⁴⁶ Under the Ninth Plan (1997-2002), the government envisions compulsory primary education as a strategy to achieve universal access to education.²⁵⁴⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 42.1 percent of children ages 10 to 14 years in Nepal were working.²⁵⁴⁸ The majority of working children participate in family-based subsistence agriculture, while a small percentage work in manufacturing facilities.²⁵⁴⁹ According to ILO-IPEC, more than 80 percent of working children do not receive wages.²⁵⁵⁰ They often work under exploitative and hazardous conditions.²⁵⁵¹ An estimated 5,000 children are living on the streets throughout the country.²⁵⁵² Statistics on trafficking victims vary widely, with one local NGO estimating that over 200,000 Nepalese girls are residing in Indian brothels.²⁵⁵³ The government reports a finding that more than 20 percent of sex workers in Nepal are under 16 years, with some as young as 11 years old.²⁵⁵⁴ In 2001, a local NGO recorded 265 cases of girl trafficking, of which 34 percent were below 16 years of age.²⁵⁵⁵ While trafficking of children often leads to their sexual exploitation,

²⁵⁴⁵ International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*, Geneva, 2001, [cited December 16, 2002]; available from http://nt5.scbbbs.com/cgi-bin/om_isapi.dll?clientID=462618&infobase=inodoc.nfo&softpage=PL_frame. See World Bank, *Basic and Primary Education Project (02)*, World Bank, [online] 2002 [cited September 09, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P040612>. The Basic and Primary Education Project II is a multi-donor program financed by the World Bank, the European Union, Finnida, Norad, and Danida. See Ramboll, *Technical Assistance to the Ministry of Education in Nepal*, [online] February 1, 2001 [cited September 9, 2002]; available from http://www.ramboll.dk/ramboll/news/uk/News/education_nepal.htm.

²⁵⁴⁶ The Primary Education Development Project is funded by the Asian Development Bank. See International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*.

²⁵⁴⁷ Ibid.

²⁵⁴⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁵⁴⁹ U.S. Embassy- Kathmandu, *unclassified telegram no. 1216*, June 2000. Nepali people are heavily dependent on agriculture, which accounts for almost 42 percent of the country's gross domestic product. See ILO-IPEC, *Bonded Labor in Nepal*, project document, 1.

²⁵⁵⁰ ILO-IPEC, *Strategic Plan for 2000-2007: Nepal*, Geneva, February 4, 2000.

²⁵⁵¹ Ibid.

²⁵⁵² Child Workers in Nepal, *The State of the Rights of the Child in Nepal, 2002, National Report*, 1st ed. (Kathmandu: 2002), 40.

²⁵⁵³ Ministry of Women Children and Social Welfare, *National Plan of Action Against Trafficking in Children and Women*, 5.

²⁵⁵⁴ An unpublished report by UNICEF as cited in Ibid.

²⁵⁵⁵ Child Workers in Nepal, *State of the Rights of the Child in Nepal*, 33.

there is also demand for trafficked boys and girls to work in the informal labor sector.²⁵⁵⁶ There are reports that Maoist insurgents use children as soldiers, shields, runners, and messengers.²⁵⁵⁷

Although education is not compulsory, the government provides free primary education for all children between the ages of 6 and 12.²⁵⁵⁸ Still, public primary schools commonly charge non-tuition fees to offset their expenses,²⁵⁵⁹ and families frequently do not have the money to pay for school supplies and clothing.²⁵⁶⁰ In 1997, the gross primary enrollment rate was 122.1 percent, and the net primary enrollment rate was 69.6 percent.²⁵⁶¹ Attendance rates are not available for Nepal. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁵⁶²

Child Labor Laws and Enforcement

The Labour Act of 1999 and the Children's Act of 1992 set the minimum age for employment at 14 years.²⁵⁶³ The Child Labour Prohibition and Regulation Act of 2000 consolidates child labor provisions in the Labour and Children's Acts and lists different occupations in which children below 16 years cannot be employed, calls for penalties for those who do not comply, and calls for establishment of a Child Labor Elimination Committee and Child Labour Elimination Fund.²⁵⁶⁴ On July 17, 2000, the Government of Nepal made a landmark decision to outlaw the *Kamaiya* system, one form of bonded labor.²⁵⁶⁵ The Constitution of Nepal (Article 20) prohibits the employment of

²⁵⁵⁶ Ministry of Women Children and Social Welfare, *National Plan of Action Against Trafficking in Children and Women*, 6, 9.

²⁵⁵⁷ In 1996, the leaders of the Maoist United People's Front launched a "People's War" against the government, with continued violence in more than 50 of the country's 75 districts. U.S. Department of State, *Country Report- 2001: Nepal*, 2465-66, 82-85, Introduction and Section 6d.

²⁵⁵⁸ *Ibid.*, 2479-82, Section 5.

²⁵⁵⁹ ILO-IPEC, *Bonded Labor in Nepal*, project document, 1.

²⁵⁶⁰ U.S. Department of State, *Country Report- 2001: Nepal*, 2479-82, Section 5.

²⁵⁶¹ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2001.

²⁵⁶² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁵⁶³ The Labor Act defines a child as anyone below that age of 14 years and a minor as anyone between the ages of 14 and 18 years. See Government of Nepal, *Labour Act, 1992*, [cited October 29, 2002]; available from <http://natlex.ilo.org/txt/E92NPL01.htm>. The Children's Act identifies a child as below the age of 16 years. See Government of Nepal, *Children's Act, 2048*, (1992), [cited October 29, 2002] available from http://www.labournepal.org/labourlaws/child_act.html.

²⁵⁶⁴ Ministry of Labour and Transport Management, *National Master Plan on Child Labour*, 8. The Child Labour Prohibition and Regulation Act defines children as any 16 years old and younger, and permits the employment of children 14 years and older. Children can work up to 6 hours a day and 36 hours a week, between 6 am and 6 pm. See Government of Nepal, *Child Labour (Prohibition and Regulation) Act (No. 14)*, (2000), [cited December 16, 2002]; available from <http://natlex.ilo.org/txt/E00NPL01.htm>.

²⁵⁶⁵ Shiva Sharma, Bijendra Basnyat, and G.C. Ganesh, *Nepal Bonded Labour Among Child Workers of the Kamaiya System: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, [cited December 16, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ra/index.htm>. The Kamaiya Labor (Prohibition) Act came into effect on February 21, 2002. The bill outlaws keeping or employing any person as a Kamaiya laborer and cancels any unpaid loans or bonds between creditors and Kamaiya laborers. See *The Kamaiya Labor (Prohibition) Act*.

minors in factories, mines or other hazardous work.²⁵⁶⁶ Section 55 of the Labor Act allows for fines (ranging from about USD 13 to 65) to be levied against employers in violation of labor or child labor laws.²⁵⁶⁷ The Human Trafficking Control Act of 1986 is the current anti-trafficking legislation.²⁵⁶⁸

Despite these legal protections, resources devoted to enforcement are limited and the Ministry of Labor has a mixed record in this area.²⁵⁶⁹ The Ministry of Labor and Transport Management's Child Labor Section is responsible for enforcing child labor issues, and labor offices are responsible for enforcement.²⁵⁷⁰ The Central Child Welfare Board and District Child Welfare Officers have the responsibility of enforcing child rights legislation.²⁵⁷¹

As a member state of the South Asian Association for Regional Cooperation, Nepal signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.²⁵⁷²

The Government of Nepal ratified ILO Convention 138 on May 30, 1997, and ratified ILO Convention 182 on January 3, 2002.²⁵⁷³

²⁵⁶⁶ The Constitution of Nepal does not define the term "hazardous work" or the word "minor." See Government of Nepal National Planning Commission, *Situation Analysis of Child Labor in Nepal*, July 1997, 71. See also *Constitution of the Kingdom of Nepal*, (November 9, 1990), [cited December 16, 2002]; available from http://www.oefre.unibe.ch/law/icl/np00000_.html.

²⁵⁶⁷ *Labour Act (1992)*, Article 55. See also U.S. Embassy- Kathmandu, *unclassified telegram no. 1963*, October 2001.

²⁵⁶⁸ The Act prohibits the selling of a human being for any purpose, taking a person to foreign territory with intent to sell that person, involving any woman in prostitution, or assisting in carrying out any of these acts. However, the Act is flawed in that it does not criminalize the separation of a minor from his or her legal guardian with the intent of trafficking the minor. No crime occurs until the victim and the perpetrator are out of Nepalese jurisdiction. See U.S. Embassy-Kathmandu, *unclassified telegram no. 537*, March 2002.

²⁵⁶⁹ U.S. Department of State, *Country Report- 2001: Nepal*, 2482-585, Section 6d.

²⁵⁷⁰ See Ministry of Labour and Transport Management, *National Master Plan on Child Labour*, 8.

²⁵⁷¹ See *Ibid*.

²⁵⁷² Under this convention, the governments commit themselves to regional cooperation to address various aspects of prevention and criminalization of the trafficking of women and children for commercial sexual exploitation, and repatriation and rehabilitation of victims of trafficking. Each member state government has yet to ratify the convention. See South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit held in Kathmandu*, press release, January 9, 2002, [cited December 16, 2002]; available from <http://www.saarc-sec.org/>.

²⁵⁷³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.

Nicaragua

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

The Government of Nicaragua has been a member of ILO-IPEC since 1996.²⁵⁷⁴ ILO-IPEC is currently working with the Ministry of Labor on several USDOL-funded projects to eliminate child labor. One of these projects targets children working in garbage dumps;²⁵⁷⁵ another addresses the problem of children in commercial sexual exploitation;²⁵⁷⁶ a third project targets children working in coffee farms in the rural areas of Matagalpa and Jinotega;²⁵⁷⁷ and a fourth aims to eliminate child labor in farming and stockbreeding in the Department of Chontales.²⁵⁷⁸ The Ministry of Labor, with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL, has nearly completed a national child labor survey.²⁵⁷⁹ Other ILO-IPEC projects in which the Government of Nicaragua is participating include action programs in the mining, tobacco and domestic service sectors.²⁵⁸⁰

The First Lady has created several commissions on children's issues and has served as the head of the National Commission for the Protection of Children and the National Commission for the Eradication of Child Labor.²⁵⁸¹ Through the National Commission for the Eradication of Child

²⁵⁷⁴ ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua (Phase I)*, technical progress report, no. 1, NIC/99/05/P050, March 26, 2002, 2.

²⁵⁷⁵ ILO-IPEC, *Elimination of Child Labor in the dump yard of Managua, Acahualinca's Neighborhood "La Chureca" (Phase I)*, technical progress report, no. 1, NIC/00/50P/USA, March 11, 2002, 1.

²⁵⁷⁶ Though this regional project focuses primarily on regional coordination, awareness raising, institutional capacity building, and national coordination, in Nicaragua, this project will target 200 girls in Managua for direct services, such as education, social services and health care. ILO-IPEC, "Stop the Exploitation" ("Alto a la explotacion") *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, June 30, 2002. Prior to the regional commercial sexual exploitation project, ILO/IPEC implemented a child prostitution project in Leon, which was completed in March 2001. See ILO-IPEC, *Elimination of Child Labor and the Risk of Sexual Exploitation of Girls and Teenagers in the Bus Station in the Municipality of Leon (Phase I)*, technical progress report, no. 1, 090.73.204.064, March 8, 2001.

²⁵⁷⁷ ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry*, technical progress report, 3. The coffee project is scheduled for completion in March 2003.

²⁵⁷⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales*, project document, 2000.

²⁵⁷⁹ ILO-IPEC, *Child Labor Survey and development of database on child labor in Nicaragua (SIMPOC)*, technical progress report, no. 1, CAM/99/05P/057. Action Programme no. P 095 74 204 057, March 12, 2002. Field data has been collected. The project is now in the data cleaning and report preparation stage. See Government of Nicaragua, *SIMPOC Surveys*, Chart, August 28, 2002.

²⁵⁸⁰ ILO-IPEC official, electronic communication to USDOL official, September 22, 2002. See also ILO-IPEC official, electronic communication to USDOL official, September 10, 2002.

²⁵⁸¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Nicaragua*, Washington, D.C., February 23, 2001, Section 5 [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/813.htm>.

Labor, the Government of Nicaragua, in collaboration with international organizations, NGOs and the private sector, has developed a strategic plan for addressing child labor in the country.²⁵⁸² Actions to facilitate the implementation of the plan include requesting technical assistance from ILO to quantify child labor annually, approving reforms to the Labor Code (which would eliminate certain exceptions for child workers under the age of 14) and including a decree containing a list of hazardous work identified in Nicaragua.²⁵⁸³ The Ministry of Family also sponsors programs for working children including childcare services, return-to-school programs and technical and vocational training.²⁵⁸⁴ In response to concerns about increases in child prostitution, a National Forum against the Sexual and Commercial Exploitation of Children and Adolescents was established in 1999 to raise awareness and advocate for children's rights. However, it failed to take action during 2001.²⁵⁸⁵

In 2000, the Ministry of Education, Sport and Culture announced a 15-year National Education Plan.²⁵⁸⁶ In February 2002, the Government of Nicaragua and representatives from local and international NGOs launched a UNICEF-sponsored project to promote the rights of children, emphasizing a child's right to education and freedom from labor exploitation.²⁵⁸⁷ International

²⁵⁸² The National Commission was established in 1997. See National Commission for the Progressive Eradication of Child Labor and Protection of the Adolescent Worker, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005*, Managua, October 2000, 2, 32-33. See also ILO-IPEC, *Elimination of Child Labor in the dump yard, technical progress report, 2*. The plan of action includes a national campaign, "Study First, Work Later," as well as initiatives aimed at the progressive elimination of child labor in the indigenous community of Subtavia, León, on the streets of Managua, and in the market of Santos Bárcenas. Ministry of Labor, "Actividades Realizadas Para Erradicar El Trabajo Infantil en Nicaragua" (paper presented at the Reunion of Labor Ministers of Central America, Panama and the Dominican Republic, Managua, April 27-29, 1999), 10-13. Eleven direct programs have been implemented throughout the country with new projects targeting domestic servants and sexual exploitation to begin shortly. Roberto Fonseca, *Government Will Take New Action regarding Child Labor*, (Edition No. 52), Angel de la Guarda, [online] July-August 2002 [cited September 4, 2002]; available from <http://www.angel.org.ni/2002-52/temacentral1-i.html>.

²⁵⁸³ ILO-IPEC, *Elimination of Child Labor in the dump yard, technical progress report, 2*.

²⁵⁸⁴ The Ministry of Family, in conjunction with the Ministry of Education, Sport and Culture, has established a program to target children who beg, wash car windows and sell goods at traffic lights. U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Nicaragua*, Washington, D.C., March 4, 2002, 2970-73, Section 6d [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8315.htm>. The Government's Fund for Children and the Family also works with the ILO and other NGOs to target this population. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Briefs: Nicaragua*, 2002 [cited September 29, 2002]; available from <http://www.beps.net/ChildLabor/Database.htm>.

²⁵⁸⁵ U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-70, Section 5.

²⁵⁸⁶ The plan outlines strategies for general improvements to the quality of education as well as strategies for making education more equitable among social classes, genders, and education levels. Strategies include an extension of early education programs, school based nutrition and health programs, adult literacy programs, as well as technical training and non-formal education. See The Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000, [cited December 16, 2002]; available from <http://www.mecd.gob.ni/plannac.asp>.

²⁵⁸⁷ The project focuses on indigenous and multiethnic populations providing teacher training and educational materials to 262 primary and secondary schools in the north Atlantic region. UNWire, *Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights*, United Nations Foundation, [online] February 7, 2002 [cited December 16, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=23665. UNICEF also sponsors projects to support girls' education. See UNICEF, *Girls' Education in Nicaragua*, [online] [cited September 29, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Nicaraguaweb1.PDF.

organizations and donors have also supported education projects in Nicaragua. The European Union and USAID support primary education; USAID has made funds available for education reform.²⁵⁸⁸ The World Bank's Basic Education Program sponsored a grant for nearly 4.7 million textbooks and 4.3 million workbooks for primary schools in Nicaragua in 1999 and also has plans to provide a low interest loan to fund a scholarship program, teacher training, school libraries, nursery schools, and building renovations.²⁵⁸⁹ The Civil Voluntary Group of Italy also announced plans to assist working children in Nicaragua by providing school materials and training in capacity building.²⁵⁹⁰

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12 percent of children ages 10 to 14 years in Nicaragua were working.²⁵⁹¹ Children work in the production of export crops such as coffee, bananas, tobacco, and sugar, as well as in fishing and stockbreeding.²⁵⁹² Some children are forced by their parents to work as beggars and vendors, and some are "rented" by their parents to organized groups of beggars.²⁵⁹³ Children in several areas of the country are involved in the trafficking of drugs.²⁵⁹⁴ The Ministry of Labor survey also reported that at least 1 percent of working children are paying off debts and live in a highly vulnerable situation.²⁵⁹⁵ Child prostitution has increased in Nicaragua, particularly in Managua, port cities, rural areas, along the Honduran and Costa Rican borders, and along highways.²⁵⁹⁶ There have been reports that children from Nicaragua have been trafficked to Mexico and Guatemala for the purpose of prostitution.²⁵⁹⁷ However, these reports are unconfirmed.

²⁵⁸⁸ USAID, *Nicaragua: Overview*, [online] May 29, 2002 [cited September 4, 2002]; available from <http://www.usaid.gov/country/lac/ni/>.

²⁵⁸⁹ World Bank, *Nicaragua Education Project Tackles the Basics: More books for kids, and more training for teachers*, (Latin America and the Caribbean - Nicaragua), [online] September 7, 1999 [cited August 25, 2002]; available from <http://wbIn0018.worldbank.org/external/lac/lac.nsf/54a7bf01c0a0900a852567d6006b59b4/f81f52f3a4821ad3852567e8005bad7d?OpenDocument>.

²⁵⁹⁰ Initially, the program will focus on Bilwi and Waspam and then later extend to the mining sector. UNWire, *Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights*.

²⁵⁹¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁵⁹² National Commission for the Progressive Eradication of Child Labor and Protection of the Adolescent Worker, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil*, 32-33. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors*. See also U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-70, Section 6d.

²⁵⁹³ U.S. Embassy- Managua, *unclassified telegram no. 1991*, July 17, 2000.

²⁵⁹⁴ National Commission for the Progressive Eradication of Child Labor and Protection of the Adolescent Worker, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil*, 32-33.

²⁵⁹⁵ Roberto Fonseca, *Child Slavery in Nicaragua*, (Edition No. 52), Angel de la Guarda, [online] July-August 2002 [cited September 4, 2002]; available from <http://www.angel.org.ni/2002-52/temacentral-i.html>.

²⁵⁹⁶ U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-73, Sections 5 and 6d. See also Protection Project, "Nicaragua," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 29, 2002]; available from <http://209.190.246.239/ver2/cr/Nicaragua.pdf>.

²⁵⁹⁷ U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2970-73, Section 6f.

Education is free and compulsory through the sixth grade (age 12) in Nicaragua; however, this provision is not enforced.²⁵⁹⁸ The Committee on the Rights of the Child has expressed concerns about the gap between the age at which compulsory education ends and the minimum legal work age. The Committee has recommended that the government increase the number of years of compulsory education from six to nine years.²⁵⁹⁹ In 1997, the gross primary enrollment rate was 101.7 percent, and the net primary enrollment rate was 77.3 percent.²⁶⁰⁰ The gross and net attendance rates for 1997-1998 were 105.1 and 73.1 percent respectively.²⁶⁰¹ A constitutional provision known as the 6 percent rule automatically allocates 6 percent of the annual budget to a higher education consortium, often at the expense of primary and secondary education.²⁶⁰²

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.²⁶⁰³ Under the Labor Code, children ages 14 to 17 cannot work for over 6 hours a day or 30 hours a week.²⁶⁰⁴ Children under the age of 18 are prohibited from work that endangers their health and safety, such as work in mines, garbage dumps and night entertainment venues.²⁶⁰⁵ The Labor Code prohibits any employment of children that could adversely affect normal childhood development or interfere with schooling.²⁶⁰⁶ The Constitution prohibits slavery and servitude and provides protection from any type of economic or social exploitation.²⁶⁰⁷

²⁵⁹⁸ *Constitución de Nicaragua*, 1986, (1986), Article 121 [cited October 4, 2002]; available from <http://www.right-to-education.org/content/consuarant/nicaragua.html>. Free and compulsory primary education is restricted to citizens and residents of Nicaragua. See UN Commission on Human Rights, *Annual Report of the Special Rapporteur on the Right to Education*, Katarina Tomasevski, submitted in accordance with the Commission on Human Rights Resolution 2000/9, UN Document No. E/CN.4/2001/52, January 9, 2001.

²⁵⁹⁹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nicaragua*, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child, CRC/C/Add.108, August 24, 1999.

²⁶⁰⁰ World Bank, *World Development Indicators* 2002.

²⁶⁰¹ USAID, *Demographic Health Survey* 2002.

²⁶⁰² U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-70, Section 5.

²⁶⁰³ Government of Nicaragua, *Código del Trabajo*, Ley. No. 185, Article 131 [cited October 4, 2002]; available from <http://natlex.ilo.org/txt/S96NIC01.htm#11t6c1>.

²⁶⁰⁴ *Ibid.*, Article 134.

²⁶⁰⁵ *Ibid.*, Article 133.

²⁶⁰⁶ *Ibid.*, Article 132.

²⁶⁰⁷ *Constitución de Nicaragua*, Article 4, 40. See also UN Committee on the Rights of the Child, *Concluding Observations*.

The Penal Code prohibits individuals from promoting or engaging in the prostitution of children.²⁶⁰⁸ In addition, Article 69 of the Children and Adolescents' Code forbids any person from promoting, filming or selling child pornography.²⁶⁰⁹

The Ministry of Labor has an office that responds to complaints related to the illegal employment of child workers.²⁶¹⁰ The ministry conducts periodic child labor inspections and integrated inspections, which include reviews of occupational safety and health, working conditions, wage, and other labor conditions.²⁶¹¹ Penalties for violating the rights of child workers include a fine of between C 500 (USD 34.69) and C 5000 (USD 346.88).²⁶¹² There are 19 labor inspection offices, three in Managua and 16 in the departments. Approximately 84 inspectors oversee child labor in industry, agriculture and other labor sectors.²⁶¹³ The establishment of a new Child Labor Unit within the Ministry of Labor's Inspector General's Office in 1999 has resulted in a dramatic increase in the number of child labor inspections conducted by the Unit. While only 14 inspections were conducted in 1998, an average of 560 were conducted each year from 1999 through 2001.²⁶¹⁴ The recent Labor Ministry survey indicates that violations of the Labor Code are common. The Director of General Labor Inspection estimates that at least 30 more staff are required to monitor areas with high economic activity. However, the institution is currently undergoing severe budget cuts.²⁶¹⁵

The Government of Nicaragua ratified ILO Convention No. 138 on November 2, 1981, and ILO Convention No. 182 on November 6, 2000.²⁶¹⁶

²⁶⁰⁸ Articles 200 and 201 of the Code provide for a penalty of 4 to 10 years in prison for a person who entices or forces a child under the age of 12 to engage in sexual activities. Individuals who sexually exploit persons between the ages of 12 and 18 years may be sentenced to between 1 and 5 years in prison. U.S. Embassy- Managua, *unclassified telegram no. 2462*, September 2000.

²⁶⁰⁹ U.S. Embassy- Managua, *unclassified telegram no. 1991*. In 2000, the Nicaraguan government approved a policy to "Eradicate Violence and Commercial Sexual exploitation of Children and Adolescents." However, this was not included in legislative reform to the Penal Code in 2001. Several NGOs have responded by proposing a bill with stronger sanctions for incorporation into the 2002 legislative agenda. See Roberto Fonseca and Heberto Rodriguez, *Impunity for Sexual Crimes against Children*, (Edition No. 48), Angel de la Guarda, [online] January-February 2002 [cited September 4, 2002]; available from <http://www.angel.org.ni/2002-48/temacentral-i.html>.

²⁶¹⁰ U.S. Embassy- Managua, *unclassified telegram no. 3202*, October 2001.

²⁶¹¹ Ibid.

²⁶¹² *Código del Trabajo*, Article 135. For currency conversion see FX Converter, [online] [cited October 3, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²⁶¹³ Roberto Fonseca, *Child Slavery in Nicaragua*.

²⁶¹⁴ U.S. Embassy- Managua, *unclassified telegram no. 3202*.

²⁶¹⁵ Dr. Emilio Noguera, Director of General Labor Inspections notes that 65 percent of child labor takes place in the rural areas that are difficult to access with the office's current staff and resources. Furthermore, 78 percent of working children ages 5 to 17 are based in the informal sector where labor laws are difficult if not impossible to enforce. See Roberto Fonseca, *Child Slavery in Nicaragua*.

²⁶¹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 4, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Niger

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

The Government of Niger has been a member of ILO-IPEC since 2000.²⁶¹⁷ Since that time, ILO-IPEC has launched two projects aimed at ending child labor on grain farms and at the Niamey slaughterhouse, and reintegrating child workers into schools. Two additional ILO-IPEC programs are being planned in Niger that will target street children and children working in gold mines.²⁶¹⁸ In January 2002, Government of Niger officials attended a seminar with officials from Burkina Faso, Côte d'Ivoire, Gabon, Mali, Togo, Senegal, and several UN agencies and NGOs to discuss child trafficking and exploitation in West and Central Africa.²⁶¹⁹ In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.

In order to lay the foundation for the formulation of child labor laws and regulation, the Ministry of Labor of Niger, in conjunction with UNICEF and ILO-IPEC, organized a national workshop in 2001.²⁶²⁰ In 2000, the Minister of Justice formed a commission to investigate the problem of child brides,²⁶²¹ the Association of Traditional Chiefs signed an agreement with UNICEF to support programs against early marriages and forced child labor,²⁶²² and the Ministry of National Education dedicated an office to promoting girls' education.²⁶²³

In 1998, ILO-IPEC carried out a survey on working children to provide the basis for action programs against child labor.²⁶²⁴ In 2000, the Justice Minister announced the government's intent

²⁶¹⁷ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited December 4, 2001]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁶¹⁸ Five hundred underage workers, half of them girls, are targeted in the grain farm project, and about 350 working minors will be beneficiaries through the slaughterhouse project. See Integrated Regional Information Networks, "Niger: Child Labour Project Launched", IRINnews.org, [online], September 13, [cited November 29, 2001]; available from http://www.irinnews.org/report.asp?ReportID=11374&SelectRegion=West_Africa&SelectCountry=NIGER.

²⁶¹⁹ Integrated Regional Information Networks, "West and Central Africa: IRIN Focus on Regional Efforts Against Child Trafficking", IRINnews.org, [online], January 21, 2002 [cited December 16, 2002]; available from http://www.irinnews.org/report.asp?ReportID=19693&SelectRegion=West_Africa&SelectCountry=CENTRAL_AFRICA-WEST_AFRICA.

²⁶²⁰ U.S. Embassy- Niamey, *unclassified telegram no. 1645*, October 2001.

²⁶²¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Niger*, Washington, D.C., March 4, 2002, 503-05, Section 5 [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8396.htm>.

²⁶²² UN Committee on the Rights of the Child, *Examen des Rapports des États Parties, Rapport initial du Niger*, CRC/C/SR.784, Geneva, July 2002, para. 37.

²⁶²³ Ministry of Social Development of the Population, the Promotion of Women, and Protection of the Child, *Rapport National sur le Suivi du Sommet Mondial pour les Enfants*, Republic of Niger, December 2000, 16.

²⁶²⁴ ILO-IPEC, *Francophone Africa: New IPEC Initiatives Make Significant Inroads*, [online] [cited November 29, 2001]; available from <http://www.ilo.org/public/English/standards/ipec/about/factsheet/facts14.htm>.

to conduct a study on trafficking as part of a legal modernization effort,²⁶²⁵ and UNICEF is implementing a social policy program that supports government efforts against the worst forms of child labor.²⁶²⁶

The Government of Niger is also working with various agencies and NGOs to improve its primary education sector. Education is expected to be a cornerstone of the country's poverty reduction initiative under the IMF's program for Highly Indebted Poor Countries.²⁶²⁷ In late 2001, the government set aside USD 4.2 million for the purchase of school supplies to promote schooling.²⁶²⁸ UNICEF is also supporting government education efforts through its Basic Education and African Girls' Education Initiative programs, which aim to improve school enrollment rates, promote literacy and improve the quality of primary education, particularly among girls.²⁶²⁹ The World Food Program is also active in Niger implementing activities to increase enrollment and attendance in primary schools, particularly among girls, through a school canteen program.²⁶³⁰

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 70.1 percent of children ages 5 to 14 years in Niger were working.²⁶³¹ Children mainly work on family farms in remote villages gathering water or firewood, pounding grain, tending animals, or working in the fields.²⁶³² Children as young as 6 years old are reported to work on grain farms in the southwest.²⁶³³ Children also shine shoes, watch cars, work as apprentices for artisans, tailors and mechanics, perform domestic work, and

²⁶²⁵ U.S. Department of State, *Country Reports- 2001: Niger*, 505-07, Section 6f.

²⁶²⁶ UNICEF, *UNICEF Programmes in Niger*, [online] [cited November 29, 2001]; available from <http://www.unicef.org/programme/countryprog/wacro/niger/support.htm>.

²⁶²⁷ U.S. Embassy- Niamey, *unclassified telegram no. 1645*.

²⁶²⁸ Integrated Regional Information Networks, "Niger: Over USD 4.2 Million for School Supplies", IRINnews.org, [online], October 3, 2001 [cited November 29, 2001]; available from http://www.irinnews.org/report.asp?ReportID=11954&SelectRegion=West_Africa&SelectCountry=NIGER.

²⁶²⁹ UNICEF, *UNICEF, Programmes in Niger*.

²⁶³⁰ World Food Programme, *World Hunger - Niger*, World Food Programme, [online] [cited September 5, 2002]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=562.

²⁶³¹ According to the UNICEF survey, 60.9 percent of children ages 5 to 9, and 82.6 percent of children between ages 10 to 14 work. The statistics includes children working only, children working and studying, and children that carry out household chores for more than 4 hours per day. Republic of Niger, *Enquête a indicateurs multiples de la fin de la decennie (draft) (MICS2)*, UNICEF, November 2000, [cited November 29, 2001]; available from <http://www.ucw-project.org/resources/index.html>. In 2000, the ILO estimated that 43.6 percent of children ages 10 to 14 years were working. (This estimate is based on the definition of the economically active population.) See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁶³² U.S. Department of State, *Country Reports- 2001: Niger*, 505-07, Section 6d.

²⁶³³ Integrated Regional Information Networks, "Niger: Child Labour Project Launched".

work as luggage porters and street beggars.²⁶³⁴ Gold mines in Tillabéri and the main slaughterhouse in Niamey also employ children.²⁶³⁵

Niger serves as a transit and destination country for a small number of trafficking victims primarily from Benin, Togo, Nigeria and Ghana.²⁶³⁶ Most of these victims end up either in domestic work or prostitution.²⁶³⁷ In some ethnic groups, young boys are sent to study the Koran where, in return for their education, they beg in the streets for their teachers.²⁶³⁸ Child prostitution is a present and growing problem in Niger, and it sometimes occurs with the permission of family members.²⁶³⁹

Primary education is compulsory for six years.²⁶⁴⁰ In 1998, the gross primary enrollment rate was 30.9 percent, and the net primary enrollment rate was 26.1 percent.²⁶⁴¹ Primary school attendance rates are also low, particularly for girls.²⁶⁴² In 1998, the gross primary attendance rate was 33.1 percent, and the net primary attendance rate was 26.2 percent.²⁶⁴³ About 60 percent of children who finish primary schools are boys, as the majority of girls rarely attend school for more than a few years.²⁶⁴⁴ Girls' limited access to education can be attributed, in part, to traditional practices such as female genital mutilation, religious beliefs and extreme poverty.²⁶⁴⁵ Children are often forced to work rather than attend school, particularly during planting or harvest periods. In

²⁶³⁴ UN Committee on the Rights of the Child, *Examen des Rapports Présentés par les États Parties en Application de l'Article 44 de la Convention, Rapports initiaux devant être soumis en 1992, Niger*, CRC/C/3/Add.29/Rev. 1, Geneva, October 2001, para. 381.

²⁶³⁵ Integrated Regional Information Networks, "Niger: Child Labour Project Launched".

²⁶³⁶ U.S. Department of State, *Country Reports- 2001: Niger*, 505-07, Section 6f. See also Dr. Rima Salah, "Child Trafficking in West and Central Africa: An Overview" (paper presented at the First Pan African Conference on Human Trafficking, Abuja, February 19-23, 2001), [cited November 29, 2001]; available from <http://www.unicef.org/media/newsnotes/africchildtraffick.pdf>.

²⁶³⁷ U.S. Department of State, *Country Reports- 2001: Niger*, 505-07, Section 6f.

²⁶³⁸ *Ibid.*, 503-07, Sections 5 and 6f.

²⁶³⁹ ECPAT International, *Niger*, in ECPAT International, [database online] [cited September 6, 2002], "CSEC Overview"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=125&CountryProfile=&CSEC=Overview&Implement=&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports- 2001: Niger*, 503-05, Section 5.

²⁶⁴⁰ U.S. Department of State, *Country Reports- 2001: Niger*, 503-05, Section 5.

²⁶⁴¹ There is significant gender disparity in gross primary enrollment rates between boys (37.7 percent) and girls (24.2 percent). See World Bank, *World Development Indicators 2002*.

²⁶⁴² U.S. Department of State, *Country Reports- 2001: Niger*, 503-05, Section 5.

²⁶⁴³ In 1998, the gross primary attendance rate was 26.8 percent for girls and 39.2 percent for boys, while the net primary attendance rate was 21.1 percent for girls and 31.1 percent for boys. USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

²⁶⁴⁴ The female literacy rate is 8 percent, compared with a rate of 23 percent for men. See U.S. Department of State, *Country Reports- 2001: Niger*, 503-05, Section 5.

²⁶⁴⁵ Protection Project, "Niger," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited September 5, 2002]; available from <http://www.protectionproject.org>.

addition, nomadic children in northern parts of the country often do not have the opportunity to attend school.²⁶⁴⁶

Among the challenges faced by the Nigerien education system are primary teaching methodologies that date back to pre-independence times, pre-school education that is restricted primarily to urban areas, a reticence by parents to send their children to school due to inefficiencies in the educational system and mediocre results among students, inadequate infrastructure, lack of motivated teachers due to delayed disbursement of salaries, lack of supplies, and an economic crisis that makes it difficult for parents to cover the costs of schooling.²⁶⁴⁷

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, although children under 14 may work with special authorization. Children between the ages of 14 and 18 years may not work for more than four and one half hours per day or in industrial jobs.²⁶⁴⁸ The Labor Code prohibits forced and compulsory labor, except for work by convicted prisoners.²⁶⁴⁹ Nigerien law does not specifically prohibit child prostitution or trafficking, although the Penal Code criminalizes the procurement of a minor for the purpose of prostitution.²⁶⁵⁰

The Government of Niger ratified ILO Convention 138 on December 4, 1978 and ILO Convention 182 on October 23, 2000.²⁶⁵¹

²⁶⁴⁶ U.S. Embassy- Niamey, *unclassified telegram no. 2219*, July 2000.

²⁶⁴⁷ UN Committee on the Rights of the Child, *Rapports initiaux*, para. 302, 03, 05, 06.

²⁶⁴⁸ U.S. Embassy- Niamey, *unclassified telegram no. 0822*, February 1998.

²⁶⁴⁹ U.S. Department of State, *Country Reports- 2001: Niger*, 505-07, Section 6c.

²⁶⁵⁰ The penalty for procuring a minor is 2 to 5 years imprisonment and a fine of 50,000 to 5,000,000 francs (USD 76 to 7,559). See Government of Niger, *Criminal Code*, Article 292 [cited September 5, 2002]; available from <http://www.protectionproject.org>. For currency conversion, see FX Converter, [online] [cited September 6, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²⁶⁵¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 29, 2001]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Nigeria

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

The Government of Nigeria became a member of ILO-IPEC in August 2000.²⁶⁵² The government is implementing a USDOL-funded ILO-IPEC national program to eliminate child labor²⁶⁵³ and participates in a USDOL-funded ILO-IPEC regional project to combat the trafficking of children.²⁶⁵⁴ Working with ILO-IPEC, the government established a National Steering Committee on child labor in 2000.²⁶⁵⁵ The Nigerian Federal Office of Statistics is completing a national child labor survey funded by USDOL, with technical assistance from ILO-IPEC.²⁶⁵⁶

The Government of Nigeria has developed a national plan of action to combat child trafficking²⁶⁵⁷ and is working with ECOWAS to develop a regional action plan.²⁶⁵⁸ The government is participating in a program funded by USDOL and the Cocoa Global Issues Group that will seek to withdraw children from hazardous work in the cocoa sector, provide income generation and economic alternatives, and promote education.²⁶⁵⁹ In addition, the USAID-supported Sustainable Tree Crops Program is incorporating elements into its program and is coordinating with the USDOL-funded ILO-IPEC program to address child labor in the cocoa sector.²⁶⁶⁰ In July 2002, the International Institute of Tropical Agriculture (IITA) and national research collaborators completed a study of child labor in the cocoa industry in Cameroon, Côte d'Ivoire, Ghana and

²⁶⁵² ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited November 4, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁶⁵³ ILO-IPEC, *National Programme on the Elimination of Child Labour in Nigeria*, NIR/99/05/060, Geneva, November 1999. The project began in January 2000 and will end in December 2002. See ILO-IPEC, *National Programme on the Elimination of Child Labour in Nigeria*, technical progress report, Geneva, September 9, 2002.

²⁶⁵⁴ The project began in 1999 and is currently in its second phase. ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)*, RAF/01/P53/USA, Geneva, March 2001.

²⁶⁵⁵ ILO-IPEC, *National Program on the Elimination of Child Labour in Nigeria*, technical progress report no. 3, Geneva, September 6, 2001.

²⁶⁵⁶ Ibid. See also ILO official, electronic communication to USDOL official, August 28, 2002. See also ILO-IPEC, *National Programme on the Elimination of Child Labour*.

²⁶⁵⁷ Federal Ministry of Women Affairs and Youth Development, *National Report on Follow-up to the World Summit for Children*, Abuja, December 2000, [cited December 17, 2002] 17; available from http://www.unicef.org/specialsession/how_country/.

²⁶⁵⁸ Roger Laloupo, ECOWAS Director of Legal Affairs, interview with USDOL official, August 1, 2002.

²⁶⁵⁹ 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.

²⁶⁶⁰ Ibid., 8 and 12. See also USAID, *Trafficking in Persons: USAID's Response*, September 2001, 4.

Nigeria.²⁶⁶¹ The Government of Nigeria is working with the Global Program against Trafficking in Human Beings of the UN Office on Drugs and Crime (UNODC) to strengthen anti-trafficking efforts for women and children. UNODC is providing technical assistance in areas such as research and law enforcement training.²⁶⁶²

In 1999, the government relaunched a Universal Basic Education Scheme, which aims to promote access to education, reduce the incidence of drop-out, provide alternative education to dropouts, and ensure the acquisition of life skills in school.²⁶⁶³ In September 2002, the Government of Nigeria was approved to receive funding in the amount of USD 101 million to support this project.²⁶⁶⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated 23.9 percent of children ages 10 to 14 years in Nigeria were working.²⁶⁶⁵ Children work in agriculture, usually on family farms, in fishing, and with cattle herding.²⁶⁶⁶ Children also work on commercial farms.²⁶⁶⁷ Within the non-agricultural informal sector, children work in domestic service, cottage industries and public places. Children work in public markets and streets as hawkers, vendors, stall minders, beggars, car washers, scavengers, bus

²⁶⁶¹ The study was conducted with support from USAID, USDOL, World Cocoa Foundation, the ILO, and the participating West African governments, and was carried out under the framework of the Sustainable Tree Crops Program. International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa*, 2002.

²⁶⁶² UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited February 19, 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

²⁶⁶³ UNESCO, *Education for All 2000 Assessment: Country Reports-Nigeria*, prepared by Federal Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, [cited November 5, 2002]; available from http://www2.unesco.org/wef/countryreports/nigeria/rapport_3.html.

²⁶⁶⁴ Integrated Regional Information Networks, "Nigeria: US \$101 million for basic education", IRINnews.org, [online], September 17, 2002 [cited September 30, 2002]; available from http://www.irinnews.org/report.asp?ReportID=29938&SelectRegion=West_Africa&SelectCountry=NIGERIA. See also World Bank, *Universal Basic Education Project*, [online] November 4, 2002 [cited November 4, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P071494>.

²⁶⁶⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. The actual numbers of children in exploitative or hazardous work are unknown, due to the wide dispersion of child workers, their extensive employment in the unmonitored informal sector and in agriculture, and the limited data. A study in 1999 estimated a lower limit of 8 million child workers. See 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. The U.S. Department of State cites an ILO figure of "upward of 12 million." See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Nigeria*, Washington, D.C., March 4, 2002, 531-35, Section 6d [cited August 28, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8397.htm>.

²⁶⁶⁶ Hodges, *Children's and Women's Rights in Nigeria*, 204.

²⁶⁶⁷ Ibid.

conductors, and head-loaders.²⁶⁶⁸ Children work in cottage industries as mechanics, tire repairers, metal workers, carpenters, tailors, weavers, barbers and hairdressers.²⁶⁶⁹ Child begging is especially widespread in northern Nigeria.²⁶⁷⁰

Child prostitution is common in many cities in Nigeria,²⁶⁷¹ and the average age of commercial sex workers is reportedly 16 years.²⁶⁷² Nigeria is a source, transit and destination country for trafficked persons, including children.²⁶⁷³ Children from Benin and other African countries are trafficked to Nigeria, where some are forced to work as prostitutes²⁶⁷⁴ or in domestic and agricultural labor.²⁶⁷⁵ Children are trafficked for domestic and agricultural labor to Benin, Cameroon, Gabon, and Togo,²⁶⁷⁶ and there have been reports of children trafficked to Europe for sexual exploitation.²⁶⁷⁷

Education in Nigeria is compulsory for nine years.²⁶⁷⁸ In 1996, the gross primary enrollment rate was 81.9 percent.²⁶⁷⁹ In 1999, the net primary attendance rate was 55 percent.²⁶⁸⁰ Compulsory primary education is often not provided.²⁶⁸¹ Federal government expenditures on education fell consistently in the 1980s and 1990s, and in 1998 were 77 percent less than in 1980. The Nigerian government has estimated that budgetary allocations for all levels of education are in the range of 2 to 3 percent of GDP, well below that of other African countries.²⁶⁸²

²⁶⁶⁸ Ibid. See also U.S. Department of State, *Country Reports- 2001: Nigeria*, 531-35, Section 6d.

²⁶⁶⁹ Hodges, *Children's and Women's Rights in Nigeria*, 205.

²⁶⁷⁰ As poverty has become more widespread in Nigeria, the *almajiranci* system of semi-formal Koranic education has come to rely on child pupils engaging in begging to support their *mallam*, or Islamic teacher. UNICEF Nigeria reports that the Nigerian government has done little to address the problem of child begging. Ibid., 209.

²⁶⁷¹ Ibid., 209-10.

²⁶⁷² ECPAT International, *Nigeria*, in ECPAT International, [database online] 2002 [cited November 27, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

²⁶⁷³ U.S. Department of State, *Trafficking in Persons Report- 2002: Nigeria*, Washington, D.C., June 5, 2002, 80 [cited December 17, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase I)*, RAF/01/P53/USA, Geneva, July 1999, 2.

²⁶⁷⁴ ILO-IPEC, *Combating the trafficking of children in West & Central Africa (Phase I)*, 1.

²⁶⁷⁵ U.S. Department of State, *Trafficking in Persons Report: Nigeria*, 80.

²⁶⁷⁶ Ibid. Between 1994 and 1997 at least 400 trafficked children were rescued in Akwa Ibom state, enroute to Gabon. See Hodges, *Children's and Women's Rights in Nigeria*, 211.

²⁶⁷⁷ U.S. Department of State, *Country Reports- 2001: Nigeria*, 531-35, Section 6f.

²⁶⁷⁸ UNESCO, *EFA 2000 Report: Nigeria*, [cited November 5, 2002].

²⁶⁷⁹ World Bank, *World Development Indicators 2002*.

²⁶⁸⁰ Hodges, *Children's and Women's Rights in Nigeria*, 146. In 1990, the most recent year for which figures are available, the gross primary attendance rate was 83.4 percent. See USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

²⁶⁸¹ U.S. Department of State, *Country Reports- 2001: Nigeria*, 521-31, Section 5.

²⁶⁸² Hodges, *Children's and Women's Rights in Nigeria*, 164-65.

Child Labor Laws and Enforcement

The Labor Act sets the minimum age at 12 years for employment and apprenticeships, except for light agricultural or domestic work performed for the family.²⁶⁸³ The law prohibits children under 12 years from lifting or carrying any load likely to injure physical development, and establishes a minimum age of 15 years for industrial work and maritime employment.²⁶⁸⁴ The law prohibits children under 16 years from working underground, on machines, at night, more than four consecutive hours, or more than eight hours a day.²⁶⁸⁵ The law also prohibits children under 18 years from any employment that is dangerous or immoral.²⁶⁸⁶ The law does not apply to domestic service.²⁶⁸⁷ Nigeria has no federal laws to address trafficking.²⁶⁸⁸

The Ministry of Labor, Employment and Productivity is responsible for enforcing legal provisions relating to conditions of work and protection of workers. However, there are few labor inspectors, and inspections are conducted only in the formal business sector where there are few occurrences of child labor.²⁶⁸⁹ Enforcement provisions have not deterred violations. As of November 2002, no recent child labor inspections had resulted in fines, penalties or convictions.²⁶⁹⁰ Investigations of child trafficking are hampered by widespread corruption among government, and particularly law enforcement, officials.²⁶⁹¹

The Government of Nigeria ratified ILO Convention 138 and ILO Convention 182 on October 2, 2002.²⁶⁹²

²⁶⁸³ *Nigeria Labour Act*, Articles 49 and 59 [cited December 17, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe>.

²⁶⁸⁴ *Ibid.*, Articles 59 and 61.

²⁶⁸⁵ *Ibid.*, Articles 59 and 60.

²⁶⁸⁶ *Ibid.*, Article 59.

²⁶⁸⁷ *Ibid.*, Articles 59 and 65.

²⁶⁸⁸ U.S. Department of State, *Trafficking in Persons Report: Nigeria*. Edo State in Nigeria has an anti-trafficking law. See U.S. Department of State official, electronic communication to USDOL official, February 2003.

²⁶⁸⁹ U.S. Department of State, *Country Reports- 2001: Nigeria*, 531-35, Section 6d. See also Hodges, *Children's and Women's Rights in Nigeria*, 204. A recent attempt to prosecute an alleged child trafficker failed when witnesses to attest to the identities of 15 allegedly trafficked children failed to appear. See U.S. Embassy- Abuja, *unclassified telegram no. 2976*, November 2002. See also Victor Efeizomor, "Bisket Freed, Acquitted of Child Trafficking Charges," *This Day* (Lagos), December 6, 2001, [cited August 29, 2002]; available from <http://allafrica.com/stories/200112060455.html>.

²⁶⁹⁰ U.S. Embassy- Abuja, *unclassified telegram no. 2976*.

²⁶⁹¹ U.S. Department of State, *Trafficking in Persons Report: Nigeria*. See also U.S. Department of State, *Country Reports- 2001: Nigeria*, Section 6f. See also ECPAT International, *Nigeria*.

²⁶⁹² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 4, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Oman

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

In conjunction with UNESCO, the Government of Oman participated in the Education For All 2000 Assessment.²⁶⁹³ The Ministry of Education is also working to increase net enrollment among children and improve the education curriculum.²⁶⁹⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that less than 1 percent of children ages 10 to 14 years in Oman were working.²⁶⁹⁵

In order to achieve the goal of education for all, the government provides free transportation to and from school.²⁶⁹⁶ Education is free but not compulsory for all children ages 6 to 18.²⁶⁹⁷ In 1998, the gross primary enrollment rate was 74.6 percent (72.5 percent for girls and 76.7 percent for boys). The net enrollment rate for that year was 66 percent (65.3 percent for girls and 66.8 percent for boys).²⁶⁹⁸ Attendance rates are not available for Oman. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁹⁹

Child Labor Laws and Enforcement

The Oman Labor Law of 1973 established the minimum age for employment at 13 years.²⁷⁰⁰ A child is defined as anyone below the age of 13 and a juvenile as anyone between the ages of 13 and

²⁶⁹³ UNESCO, *Education for All 2000 Assessment: Country Reports- Oman*, prepared by Ministry of Education Planification and Educational Information, pursuant to UN General Assembly Resolution 52/84, 1999, [cited August 26, 2002]; available from <http://www2.unesco.org/wef/countryreports/oman/contents.html>.

²⁶⁹⁴ United Nations, *Youth at the United Nations: Country Profiles on the Situation of Youth- Oman*, 2001 [cited August 26, 2002]; available from <http://esa.un.org/socdev/unyin/countrysa.asp?countrycode=om>.

²⁶⁹⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁶⁹⁶ UNESCO, *EFA Country Report: Oman*.

²⁶⁹⁷ Ibid. For a source verifying that education is not compulsory, see UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, 2001, [cited August 26, 2002]; available from <http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/e07b24de6d770996c1256ae90056efd0?OpenDocument>.

²⁶⁹⁸ World Bank, *World Development Indicators 2002*.

²⁶⁹⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁷⁰⁰ ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on the Fundamental Principles and Rights at Work*, [online] 2000 [cited August 27, 2002], 327; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/d2-index.htm>. See also Government of Oman, *Labour Law, 1973*, Sultan's Decree no.34/1973, [cited December 17, 2002]; available from <http://www.omanet.com/english/government/labour.asp?cat=gov>.

16.²⁷⁰¹ The employment of juveniles is permitted between the hours of 6 a.m. and 6 p.m., provided that the labor is not too strenuous for their age.²⁷⁰² The law further prohibits employers from working juveniles overtime, on weekends and holidays without the authorization of the Ministry of Social Affairs and Labor. An employer is required to possess a certificate of health for each child.²⁷⁰³

The Government of Oman has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 11, 2001.²⁷⁰⁴

²⁷⁰¹ *Labour Law*.

²⁷⁰² *Ibid.*

²⁷⁰³ *Ibid.*

²⁷⁰⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Pakistan

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

The Government of Pakistan has been a member of ILO-IPEC since 1994.²⁷⁰⁵ With the enactment of the Employment of Children Act in 1991, the Government of Pakistan began to take measures to address child labor issues.²⁷⁰⁶ An ILO-IPEC Action Plan formalized activities to combat child labor and coordinated such efforts by government organizations, NGOs, trade unions, employers' bodies, and other interested parties.²⁷⁰⁷ In 1995, the Pakistan Carpet Manufacturing and Export Association, with the support of ILO-IPEC, implemented an action program to combat child labor in the carpet industry.²⁷⁰⁸ In March 1998, the government established a Task Force on Child Labor to formulate policies and strategies for the elimination of child labor and bonded labor in Pakistan.²⁷⁰⁹ In May 2000, the Federal Cabinet approved the National Policy and Action Plan to Combat Child Labour.²⁷¹⁰ Bait al-Mal, a government welfare agency created in 1992,²⁷¹¹ operates 33 rehabilitation centers throughout the country, targeting children (aged 8 to 14) who have been exposed to hazardous labor, and provides the children and their families with training and stipends for income generation activities.²⁷¹²

²⁷⁰⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 8, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁷⁰⁶ Allegations of widespread child and bonded labor that were brought before the United States Trade Representative and other groups in the early and mid-1990s adversely affected Pakistan's trade privileges and drew increased attention to the problem of child labor. In 1996, the United States partially removed the Generalized System of Preferences (GSP) trade benefits from Pakistan due to child labor concerns in three sectors: surgical instruments, sporting goods, and specific hand-knotted carpets. See Office of the United States Trade Representative, *Kantor Recommends Partial GSP Suspension of Pakistan*, press release, Executive Office of the President, Washington, D.C., March 7, 1996, [cited August 20, 2002]; available from <http://ustr.gov/releases/1996/03/96-21.html>. In addition to the issues raised with the United States Trade Representative, other cases were filed with the attention of the European Commission by the AFL-CIO in 1993 and the ICFTU in 1995. See Child Labour Unit et al., *National Policy and Action Plan to Combat Child Labour*, Government of Pakistan, Islamabad, 2000, 9.

²⁷⁰⁷ ILO-IPEC, *Combatting Child Labour in the Carpet Industry in Pakistan*, project document, PAK/99/05/050, Geneva, April 1, 1999, 3. Once the program finished, IPEC supported PCMEA to continue efforts in other areas.

²⁷⁰⁸ Ibid.

²⁷⁰⁹ Child Labour Unit et al., *National Policy and Action Plan*, 9.

²⁷¹⁰ The *National Policy and Action Plan* calls for immediate eradication of the worst forms of child labor and the progressive elimination of child labor from all sectors of employment. It further seeks to prevent children from entering the work force by offering education as an alternative. Ibid., 7, 11.

²⁷¹¹ IPEC in Action: Asia, *ILO-IPEC Programme in Pakistan*, ILO-IPEC, 1998 [cited October 2, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/action/31asia/pakist98.htm>. The establishment of Bait al-Mal (literally, House of Finances) was the result of a mandate from the *Enforcement of Shari'a Act, 1991*. Bait al-Mal was originally established to provide assistance to the poor, destitute, handicapped, widows, and orphans. *Enforcement of Shari'a Act*, Act X of 1991, (1991), [cited August 21, 2002]; available from www.pakistani.org/pakistan/legislation/1991/actXof1991.html.

²⁷¹² IPEC in Action: Asia, *ILO-IPEC Programme in Pakistan*. An updated source put the figure of schools at 33. See Child Labour Unit et al., *National Policy and Action Plan*, 45.

In cooperation with ILO-IPEC and other NGOs, the Government of Pakistan has collaborated on several projects to eliminate child labor. From August 1997 to the present, a USDOL-funded soccer ball project has been underway in an effort to remove children from the soccer ball stitching industry and rehabilitate them.²⁷¹³ A two-phase project designed to eliminate child labor in the carpet-weaving industry was also funded by USDOL and implemented by ILO-IPEC.²⁷¹⁴ As of 2000, ILO-IPEC had implemented 21 projects in Pakistan, including five major projects, related to child labor, education, and rehabilitation.²⁷¹⁵ The Government of Pakistan signed a collaborative education agreement with USDOL on January 23, 2002.²⁷¹⁶ As a result, USDOL has recently awarded an internationally recognized implementing agency a USD 5 million grant to support a project designed to withdraw children from the worst forms of child labor in the Punjab, and to provide formal and non-formal education and training for working children and their younger siblings.²⁷¹⁷

Within its national strategy to combat child labor, the Government of Pakistan has set a goal of 90 percent enrollment in primary schools by 2002-2003. The government's policy emphasizes vocational training and technical education, as well as the creation of literacy programs for school dropouts and new programs targeting working children.²⁷¹⁸ To this end, the USDOL support will address issues linking child labor and barriers to education within the Government of Pakistan's existing National Policy and Action Plan and the Education Sector Reforms Action Plan.²⁷¹⁹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 15.4 percent of children ages 10 to 14 years in Pakistan were working.²⁷²⁰ The majority of working children are involved in the agricultural sector, although children are also found working in the manufacturing, trade, and services sectors.²⁷²¹ More specifically, children are engaged in the manufacture of carpeting, soccer balls and surgical instruments, and are employed in automobile workshops and tanneries, as well as in domestic work. In addition, bonded child labor is still used in agriculture, the brick kiln industry and in the

²⁷¹³ Sarah Javeed, F. S. Lavador, and Mohammad Saifullah, *Midterm Self-Evaluation of Elimination of Child Labour in the Soccer Ball Industry in Sialkot, Pakistan: Phase II*, February 2002, 6. Phase I was initiated in October 1997 and Phase II in November 2000.

²⁷¹⁴ ILO-IPEC, *Combating Child Labour in the Carpet Industry in Pakistan (Phase II)*, project document, Geneva, September 30, 2002.

²⁷¹⁵ Child Labour Unit et al., *National Policy and Action Plan*, 44.

²⁷¹⁶ USDOL, *U.S.-Pakistan Collaborative Education Agreement Signed*, [online] 2002 [cited October 2, 2002]; available from <http://www.dol.gov/ilab/media/speeches/pakistan012302.htm>.

²⁷¹⁷ Save the Children-UK will be implementing the project. Ibid.

²⁷¹⁸ Child Labour Unit et al., *National Policy and Action Plan*, 18.

²⁷¹⁹ U. S. Government, *Federal Register*, May 23, 2002, 36245.

²⁷²⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁷²¹ Government of Pakistan Federal Bureau of Statistics, *Child Labour Survey 1996: Excerpt from Main Report*, 1996, 4 [cited January 2, 2003]; available from <http://www.statpak.gov.pk>.

production of carpets.²⁷²² A baseline survey of the carpet-weaving industry, published in 2001, estimated that 107,065 children between the ages of 5 to 14 were weaving carpets in the province of the Punjab alone. Of those, approximately 60 percent were girls.²⁷²³ Pakistan is a source, transit and destination country for child trafficking victims. Girls are often trafficked internally and into Pakistan for the purposes of sexual exploitation and bonded labor.²⁷²⁴ Boys have been trafficked to the United Arab Emirates (UAE) and Qatar to work as camel jockeys.²⁷²⁵ However, in 2002, the Government of the UAE made progress in stemming the trafficking of children to the country.²⁷²⁶

Education is not compulsory at the national level in Pakistan.²⁷²⁷ However, two of the four provinces of Pakistan have compulsory primary education laws in force. In December 1994, the Punjab Assembly passed the Punjab Compulsory Primary Education Act, making primary

²⁷²² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Pakistan*, Washington, D.C., March 4, 2002, 2527-34, Sections 6c and 6d [cited January 2, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8237.htm>. See also ILO-IPEC, *Elimination of Child Labour in the Soccer Ball Industry in Sialkot, Pakistan (Phase I)*, project document, Geneva, August 15, 1997, 2-4. For more information on bonded child labor, see Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley and Los Angeles: University of California Press, 1999), 150-71, especially 50-52.

²⁷²³ AKIDA Management Consultants, *Child Labour Survey of Carpet Industry in Punjab: Draft Report*, vol. 1 (Lahore: Al-Khalil Institutional Development Associates, 2001), ii.

²⁷²⁴ ECPAT International, *Pakistan*, [database online] [cited March 4, 2003]; available from <http://www.ecpat.net>. See also ILO, "Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime" (paper presented at the The UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation, Geneva, February 22-23, 2002).

²⁷²⁵ U.S. Department of State, *Trafficking in Persons Report- 2002: Pakistan*, Washington, D.C., June 2002, 81 [cited January 2, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3930.htm>. See also ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, Geneva, September 26, 2002. See also UNICEF- Canada, *Traffic Flow: Activity Three*, [cited February 2003]; available from http://www.unicef.ca/eng/unicef/sch_election/img/Activity%203.pdf. See also Dr. Mohamed Y. Mattar, "Trafficking in Persons: The Case of the Middle East" (paper presented at the Conference on Combating Human Trafficking: Key Approaches, Woodrow Wilson International Center for Scholars, January 6, 2003); available from <http://www.protectionproject.org/main1.htm>.

²⁷²⁶ Efforts include a decision to ban jockeys below 15 years of age and weighing less than 45 kg (99 lbs.); a requirement that youth undergo various forms of medical testing to determine if they are of age to race; and humane repatriation initiatives. See Xinhua News Agency, *UAE: UAE Decision to Help Stop Smuggling of Bangladeshi Children*, The Protection Project Daily News Archives, [online] August 1, 2002 [cited October 8, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also IOM, *Bangladesh- Child Camel Jockey Repatriation*, August 2002. See also U.S. Department of State official, electronic communication to USDOL official, March 5, 2003. There is limited information on the efforts by the Government of Qatar to combat trafficking.

²⁷²⁷ World Education Services- Canada, "Pakistan," in *World Education Database*, [cited December 16, 2002]; available from <http://www.wes.org/ca/wedb/pakistan/pkfacts.htm>. It should be pointed out that in Part II, Fundamental Rights and Principles of Policy of the Constitution, there is a provision stating that the government "shall remove illiteracy and provide free and compulsory secondary education within a minimum possible period." See *The Constitution of the Islamic Republic of Pakistan*, Part II, Chapter 2, 37b [cited August 21, 2002]; available from <http://www.pakistani.org/pakistan/constitution/>. The 1973 constitution was suspended in October 1999 when the military government assumed power. After the 2002 elections, the constitution was to go into effect once again with the addition of a number of amendments made by President Pervez Musharraf. The new members of the National Assembly are to be sworn in under the 1973 Constitution.

education compulsory throughout the province. In October 1996, the Government of the North-West Frontier Province (NWFP) passed the NWFP Compulsory Primary Education Act of 1996.²⁷²⁸ In 1998, the gross primary enrollment rate was 86.2 percent.²⁷²⁹ Primary school attendance rates are unavailable for Pakistan. The World Bank provided assistance to a project targeting the improvement of primary education, with special emphasis on increased access and better retention for girls, in the north and in Pakistani-controlled Jammu and Kashmir.²⁷³⁰

Child Labor Laws and Enforcement

The Employment of Children Act of 1991 prohibits the employment of children in a variety of occupations, except for family-run enterprises or in schools. The Act defines “child” as anyone below the age of 14 years and “adolescent” as anyone who has reached 14 but not 18 years of age. The law limits the workday of a child to seven hours, including a one-hour break after three hours of labor, and the work must be carried out between the hours of 8 a.m. and 7 p.m. A working child must be given at least one day off per week. It is illegal to require or allow a child to work overtime. Employers are required to maintain an employment register of working children, which labor inspectors examine.²⁷³¹ This law also prohibits the employment of children in specified occupations and processes that are dangerous or hazardous to the health of child workers.²⁷³² The Employment of Children Rules, 1995, modified the requirements for employers to maintain a minimum standard of health and safety in a child’s working environment.²⁷³³ Violations of these provisions can result in a maximum one-year prison term and/or a fine of 20,000 rupees (approximately USD 350) for the offender.²⁷³⁴ The Bonded Labor System (Abolition) Act of 1992 was meant to abolish the bonded labor system, discharge bonded laborers, and cancel remaining debts.²⁷³⁵ Those found in violation of these provisions can face up to five years imprisonment and fines up to 50,000 rupees (approximately USD 877).²⁷³⁶

²⁷²⁸ Anees Jillani and Zarina Jillani, *Child Rights in Pakistan* (Islamabad: Society for the Protection of the Rights of the Child, Friedrich-Naumann-Stiftung, 2000), 125-27.

²⁷²⁹ The gross primary enrollment rates for females are significantly lower (62.2 percent) than for males (109.1 percent). World Bank, *World Development Indicators 2002*.

²⁷³⁰ These areas targeted for funding are not part of the four provinces. See World Bank, *Northern Education Project*, [online] [cited August 21, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P037834>.

²⁷³¹ Government of Pakistan, *Employment of Children Act*, (June 4, 1991), Parts II and III [cited August 21, 2002]; available from <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁷³² This list of occupations includes work on trains, in the construction of railways, explosives, carpet-weaving and manufacturing where hazardous chemicals are used. *Ibid.*, at The Schedule.

²⁷³³ This law was written in exercise of the authority conferred by sections 13 and 18 of the Employment of Children Act, 1991. Government of Pakistan, *Employment of Children Rules*, (1995), [cited August 21, 2002]; available from <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁷³⁴ *Employment of Children Act*, Section 14. The conversion rate was figured on August 21, 2002. For currency conversion see FX Converter, [online] [cited August 21, 2002]; available from <http://www.oanda.com/convert/classic>.

²⁷³⁵ Government of Pakistan, *Bonded Labour System (Abolition) Act*, (1992), [cited August 21, 2002]; available from <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁷³⁶ *Ibid.* For currency conversion see FX Converter, available from <http://www.oanda.com/convert/classic>, [cited August 21, 2002].

Despite the existence of laws on child and bonded labor and the government's commitment to eliminating these forms of labor, the government has been relatively unsuccessful at enforcing existing laws.²⁷³⁷

The Government of Pakistan has not ratified ILO Convention 138 but ratified ILO Convention 182 on October 11, 2001.²⁷³⁸

²⁷³⁷ The government has taken steps to eradicate bonded labor, including a USD 1.7 million appropriation to the Ministry of Labour in 2000 to fight bonded labor and a plan to eliminate bonded labor in the brick kiln and agricultural sectors. U.S. Department of State, *Country Reports- 2001: Pakistan*, 2527-34, Section 6c.

²⁷³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Panama

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

The Government of Panama has been a member of ILO-IPEC since 1996.²⁷³⁹ With funding from USDOL, the Department of Statistics and Census of the General Audit Office of Panama is conducting a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.²⁷⁴⁰ ILO-IPEC, with USDOL funding, is also supporting baseline surveys on child labor in the sugar and coffee sectors in Panama.²⁷⁴¹ Panama is also participating in a USDOL funded ILO-IPEC program aimed at institutional capacity building, strengthening of law enforcement mechanisms, awareness raising, and combating child labor in the rural and urban informal sectors,²⁷⁴² as well as a regional project aimed at combating commercial sexual exploitation.²⁷⁴³ A Canadian-funded ILO-IPEC project is also underway to gather information on child domestic labor in Panama. Under this project, the National Committee for the Eradication of Child Labor and Protection for Working Minors and the Ministry of Labor are coordinating with ILO-IPEC to develop action programs aimed at raising awareness and removing children from domestic work.²⁷⁴⁴

The Committee for the Eradication of Child Labor and Protection for Working Minors was established in 1997 by the Government of Panama in order to create a National Plan for the Progressive Elimination of Child Labor.²⁷⁴⁵ The Ministry of Youth, Women, Childhood, and Family has created training and assistance centers for children living in urban areas such as Panama City and Colón, and for those living in the rural areas including Chiriqui, Veraguas, and Coclé. The centers provide health care, education opportunities, and vocational and social skills training to children and their families in an effort to prevent child labor.²⁷⁴⁶ Members of the Ministry of Labor's Child Labor Unit have participated in courses and workshops aimed at raising awareness on domestic labor, commercial sexual exploitation, data measurement on child labor, the

²⁷³⁹ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 5.

²⁷⁴⁰ ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor*, project document for Central America, Geneva, 1999, 5, 10.

²⁷⁴¹ ILO-IPEC, *Preparation and Design of IPEC Project Documents: Budget FY 2001*, Geneva, 2001. See also Maruquel Icaza, Legal Attaché, Embassy of Panama, letter to USDOL official, September 23, 2002.

²⁷⁴² ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 1. See also Icaza, letter, September 23, 2002.

²⁷⁴³ In Panama, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, Geneva, April 2002, 5, 27-28.

²⁷⁴⁴ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 7. See also Icaza, letter, September 23, 2002.

²⁷⁴⁵ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 5, 10.

²⁷⁴⁶ Ministry of Youth, Women, Children, and Family, *Programas y proyectos contra el trabajo infantil*, Panama, 2000, 10-19.

development of a plan of action to prevent child work on Panama City streets, and forced child labor.²⁷⁴⁷

Through its Education for All efforts and its ten-year strategy for education (1997-2006), the government seeks to provide greater opportunity, access and services to groups such as indigenous populations and the disabled.²⁷⁴⁸ In 2000, the World Bank approved a loan of USD 35 million to help the government improve the quality of basic education in a project that is expected to benefit about 60 percent of Panama's children attending primary and secondary school. The funds are being used to upgrade, expand and rehabilitate run-down or inadequate school buildings in order to accommodate a growing number of students in primary and secondary schools; expand early childhood education programs; and strengthen the Ministry of Education's capacity.²⁷⁴⁹ In 2002, the Ministry of Education's Basic Education Unit developed a plan and programs of study for its primary education centers and is working to improve the quality of basic education.²⁷⁵⁰

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 2.5 percent of children ages 10 to 14 years in Panama were working.²⁷⁵¹ Children are found working in rural areas during the harvesting periods for sugar cane, coffee, bananas, and tomatoes.²⁷⁵² While most working children in Panama are engaged in agricultural activities, especially among the indigenous population, such work is usually dismissed as part of the local culture.²⁷⁵³ Children from indigenous communities in Panama also accompany their parents to work in Costa Rica during the coffee harvest.²⁷⁵⁴ Children in Panama also work as

²⁷⁴⁷ U.S. Embassy- Panama, *unclassified telegram no. 3615*, November 2001.

²⁷⁴⁸ UNESCO, *Education for All 2000 Assessment: Country Reports- Panama*, prepared by Dra. Luzmila C. de Sánchez, pursuant to UN General Assembly Resolution 52/84, 1999, [cited December 16, 2002]; available from http://www2.unesco.org/wef/countryreports/panama/rapport_1.html. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 6-7.

²⁷⁴⁹ "World Bank Supports Better Education for Panama's Rural and Indigenous Children," *M2 Presswire*, September 11, 2000.

²⁷⁵⁰ Ministry of Education, *Ministry of Education's Programs for the President's Report*, Panama, 2.

²⁷⁵¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to the ILO, 7,000 children between 10-14 were economically active. ILO, *Yearbook of Labour Statistics 2001*, [online] [cited August 27, 2002]; available from <http://laborsta.ilo.org/cgi-bin/brokerv8.exe>.

²⁷⁵² U. S. Department of State, *Country Reports on Human Rights Practices-2001: Panama*, Washington, D.C., 2002, 2987-90, Section 6d. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 2-3. See also U.S. Embassy- Panama, *unclassified telegram no. 3473*, October 2002.

²⁷⁵³ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 2-3. See also U.S. Embassy- Panama, *unclassified telegram no. 1934*, May 2000. See also U.S. Embassy- Panama, *unclassified telegram no. 4656*, December 2000. See also U. S. Department of State, *Country Reports- 2001: Panama*, 2984-90.

²⁷⁵⁴ "Indígenas sostienen cosechas de café," *La Nación* (San José, Costa Rica), January 20, 2002.

domestic servants.²⁷⁵⁵ Child labor exists in urban areas,²⁷⁵⁶ especially in the informal sector.²⁷⁵⁷ A 1998 study of Panama City's juvenile detention center found that the vast majority of detainees had been working as street vendors, car washers and supermarket packers when they were arrested for delinquency.²⁷⁵⁸ The commercial sexual exploitation of children has also been reported.²⁷⁵⁹ Trafficking in women and girls exists. Panama is a destination point for girls trafficked from Colombia and the Dominican Republic.²⁷⁶⁰

In Panama, education is free and compulsory through the equivalent of ninth grade.²⁷⁶¹ In 1998, the gross primary enrollment rate was 106.4 percent, and the net primary enrollment rate was 93.7 percent.²⁷⁶² The proportion of dropouts is higher in rural and indigenous areas combined, than in urban areas.²⁷⁶³ Many rural areas do not have access to secondary education and the government does not cover transportation costs.²⁷⁶⁴ Children from poor families often do not attend school due to lack of transportation and the need to migrate with their families during the harvesting season.²⁷⁶⁵ School attendance is a particular problem in the Darien province and in indigenous communities.²⁷⁶⁶ About one-third of children from the indigenous communities miss the first three months of the academic year to work in the coffee harvest.²⁷⁶⁷ According to the Ministry of Youth, Women, Children and Family, 82 percent of the children in rural areas are absent from school during the harvest season.²⁷⁶⁸ Attendance rates are not available for Panama. While enrollment

²⁷⁵⁵ Commission on Women's Issues, the Rights of Children, Youth, and Family, *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Cocle y Veraguas*, Panama, 2000, 16.

²⁷⁵⁶ Child beggars, grocery baggers and street vendors are found in many urban areas of Panama. These children all work informally and without legal protection. See U. S. Department of Labor, official trip report, July 2002. See also U. S. Department of State, *Country Reports- 2001: Panama*, 2987-90, Section 6d.

²⁷⁵⁷ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 3-4. U.S. Embassy- Panama, *unclassified telegram no. 3473*.

²⁷⁵⁸ U.S. Embassy- Panama, *unclassified telegram no. 1934*.

²⁷⁵⁹ ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation*, project document, 12.

²⁷⁶⁰ U. S. Department of State, *Country Reports- 2001: Panama*, 2987-90, Section 6f.

²⁷⁶¹ Ibid., 2984-87, Section 5. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 4.

²⁷⁶² UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

²⁷⁶³ Ministry of Education, *Estadísticas Educativas 2000*, National Bureau of Education Planning Department of Statistics, 2000, 40-41.

²⁷⁶⁴ U.S. Embassy- Panama, *unclassified telegram no. 3473*.

²⁷⁶⁵ U. S. Department of State, *Country Reports- 2001: Panama*, 2984-90, Sections 5 and 6d. See also Commission on Women's Issues, Children, Youth, and Family, *Condición del trabajo*, 27.

²⁷⁶⁶ U. S. Department of State, *Country Reports- 2001: Panama*, 2984-87, Section 5.

²⁷⁶⁷ U.S. Embassy- Panama City, *unclassified telegram no. 2080*, June 2002.

²⁷⁶⁸ Ministry of Youth, Women, Children, and Family, *Programas y proyectos*, 8.

rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁷⁶⁹

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years of age. However, the Labor Code allows children less than 15 to work only if they have completed primary school.²⁷⁷⁰ According to the 1995 Law on Education, no child under 15 years of age is allowed to engage in work that interferes with his or her school attendance.²⁷⁷¹ Further, Article 119 of the Labor Code permits minors between the ages of 12 and 15 to perform farm or domestic labor as long as the work is light and does not interfere with schooling.²⁷⁷² The Labor Code also stipulates that minors under the age of 18 are prohibited from working in nightclubs, bars or other places where the consumption of alcoholic beverages is allowed; in transportation and electric energy; underground work; and the handling of explosives and flammables.²⁷⁷³ With the exception of work in nightclubs, these provisions may be waived if a minor performs the job as part of vocational training and work is conducted under the supervision of competent authorities.²⁷⁷⁴ Children younger than 16 may work no more than six hours a day or 36 hours per week, and children under 18 may work no more than seven hours a day or 42 hours per week.²⁷⁷⁵ Minors under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.²⁷⁷⁶

The Labor Code also prohibits forced labor by children.²⁷⁷⁷ Article 501 of the Family Code²⁷⁷⁸ and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.²⁷⁷⁹ Trafficking in children is prohibited under the Penal Code.²⁷⁸⁰ The Penal Code calls for prison sentences of two to six years for the promotion or facilitation of entry or exit of a person into or out of Panama for the purpose of prostitution. However, prosecution is rare and corruption is common.²⁷⁸¹

²⁷⁶⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁷⁷⁰ Government of Panama, *Labor Code*, Article 117. See also *Constitution of Panama*, (1994), [cited December 16, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>. See also Government of Panama, *Código de la familia*, (1995), Artículo 508.

²⁷⁷¹ Government of Panama, *Texto Unico de la Ley 47 de 1946, Orgánica de Educación*, con las adiciones y modificaciones introducidas por la Ley 34 de 6 de Julio de 1995, Artículo 46.

²⁷⁷² *Labor Code*, Articles 119 and 23.

²⁷⁷³ *Ibid.*, Article 118.

²⁷⁷⁴ *Ibid.*

²⁷⁷⁵ *Ibid.*, Article 122.

²⁷⁷⁶ *Ibid.*, Article 120.

²⁷⁷⁷ U. S. Department of State, *Country Reports- 2001: Panama*, 2984-87, Section 6c.

²⁷⁷⁸ *Código de la familia*, Article 501.

²⁷⁷⁹ U.S. Embassy- Panama, *unclassified telegram no. 3133*, August 2000.

²⁷⁸⁰ U. S. Department of State, *Country Reports- 2001: Panama*, 2987-90, Section 6f.

²⁷⁸¹ *Ibid.*

The Superior Tribunal for Minors and the Superior Tribunal for Families are the judicial bodies responsible for overseeing the protection and care of children. The Ministry of Youth, Women, Children, and Family proposes and reviews laws and monitors government performance with regard to children's issues.²⁷⁸² The Ministry of Labor responds to child labor complaints and has the authority to order the termination of unauthorized employment; however, it lacks sufficient staff to enforce some child labor provisions in rural areas.²⁷⁸³ Businesses that employ an underage child are subject to civil fines, while employers who endanger the physical or mental health of a child can face imprisonment.²⁷⁸⁴ Although Panama has developed a strong legal framework to combat the worst forms of child labor and has conducted several child labor inspections in the coffee, sugar, melon, and tomato sectors,²⁷⁸⁵ child labor violations continue to occur, especially on commercial coffee and sugar farms and in the informal sector.²⁷⁸⁶

The Government of Panama ratified both ILO Convention 138 and ILO Convention 182 on October 31, 2000.²⁷⁸⁷

²⁷⁸² Ibid., 2984-87, Section 5.

²⁷⁸³ Ibid., 2987-90, Section 6d.

²⁷⁸⁴ U.S. Embassy- Panama City, *unclassified telegram no. 3286*, October 2001.

²⁷⁸⁵ Ibid. See also U.S. Embassy- Panama, *unclassified telegram no. 3615*. See also Icaza, letter, September 23, 2002.

²⁷⁸⁶ U.S. Embassy- Panama City, *unclassified telegram no. 3286*.

²⁷⁸⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 16, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Papua New Guinea

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

The Government of Papua New Guinea is reforming the country's educational system under the National Education Plan (NEP). The NEP promotes universal access to three years of elementary education, urges completion of six years of primary school and aims to increase the number of students who continue into secondary school.²⁷⁸⁸ The plan also intends to improve equity in enrollments between boys and girls and urban and rural inhabitants, as well as improve the quality of education.²⁷⁸⁹

The Australian Government is currently supporting 13 education projects on a range of issues, including teacher training, curriculum development, the improvement of facilities, and provision of educational materials.²⁷⁹⁰ The World Bank recently completed an Education Development Loan project that included the provision of textbooks in schools, increased educational opportunities for girls and strengthening of institutional management.²⁷⁹¹ The EU and the Governments of Japan, Germany and China also provide educational assistance.²⁷⁹²

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 17.2 percent of children ages 10 to 14 years in Papua New Guinea were working.²⁷⁹³ Child labor in the agricultural sector is a growing problem,²⁷⁹⁴ and there are

²⁷⁸⁸ The National Education Plan was developed in 1995 and 1996. The plan covers all sectors of the formal education system and introduces a new grade-level structure, under which elementary school covers a preparatory year plus grades one and two (at the village level, in the local language), primary covers grades three through eight, and secondary school grades 9 through 12. Voluntary Service Organization, *Education in Papua New Guinea*, [cited August 14, 2002], 11-13; available from <http://www.vso.org.uk/png/education.pdf>. The plan was updated in 1999. See UNESCO, *World Data on Education 2001- Papua New Guinea*, online, 2001, [cited September 5, 2002]; available from http://nt5.scbb.com/cgi-bin/om_isapi.dll?clientID=406051&infobase=iwde.nf&softpage=PL_srchrframe. See also Asian Development Bank, *Country Operational Strategy Study: Papua New Guinea*, online, March 1999, 5 [cited August 23, 2002]; available from <http://www.adb.org/Documents/COSSs/png.pdf>.

²⁷⁸⁹ UNESCO, *World Data on Education 2001*.

²⁷⁹⁰ Australian Agency for International Development, *Papua New Guinea, Program Profiles 2001-2002*, 2002, [cited September 5, 2002]; available from http://www.ausaid.gov.au/publications/pdf/png/png_program_profiles_2001_02.pdf.

²⁷⁹¹ The project closed on December 31, 2001. World Bank, *Educational Development Project*, online, [cited August 23, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P004392>.

²⁷⁹² UNESCO, *World Data on Education 2001*.

²⁷⁹³ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁷⁹⁴ WTO General Council Review of the Trade Policies of Papua New Guinea, *Internationally Recognized Core Labor Standards in Papua New Guinea*, prepared by International Confederation of Free Trade Unions (ICFTU), November 15 and 17, 1999, [cited December 30, 2002]; available from <http://www.icftu.org/displaydocument.asp?Index=991209325&Language=EN>.

allegations that children under 12 years old are employed on commercial tea and coffee farms.²⁷⁹⁵ Although it is not reported to be widespread, children are said to be involved in commercial sexual exploitation.²⁷⁹⁶ It is unknown whether the use of child soldiers continues to be a problem, but children under 18 years of age fought with the Bougainville Revolutionary Army, an armed opposition group, during the secessionist war in the late 1990s.²⁷⁹⁷

Education is not compulsory or free in Papua New Guinea.²⁷⁹⁸ In 1998, the gross primary enrollment rate was 84.9 percent, with 78.4 percent of girls enrolled as opposed to 91.2 percent of boys.²⁷⁹⁹ Primary school attendance rates are unavailable for Papua New Guinea. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁸⁰⁰ Primary school dropout rates are high, particularly in rural areas, and only 59 percent of children complete primary school.²⁸⁰¹

Child Labor Laws and Enforcement

The Employment Act establishes 18 as the minimum age for employment, but children between the ages of 11 and 18 can work in family businesses with parental permission, a medical clearance and a work permit from the labor office.²⁸⁰² The Constitution prohibits forced labor.²⁸⁰³ The

²⁷⁹⁵ Pacific Islands Report, *Child Labor Claimed at PNG Highlands Tea and Coffee Plantations*, Post-Courier/PINA Nius Online, [online] 2000 [cited August 27, 2002]; available from <http://166.122.164.43/archive/2000/March/03-23-14.htm>.

²⁷⁹⁶ There are also allegations of men selling their young female relatives to work as prostitutes. Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, ECPAT International, Bangkok, 2000, Section 7.1. The commercial sex sector, while still relatively undeveloped, is expanding, particularly in urban areas. See John C. Caldwell and Geetha Isaac-Toua, *AIDS in Papua New Guinea: Situation in the Pacific* (Canberra: National Centre for Epidemiology and Population Health of Australian National University, 2002), 104-11.

²⁷⁹⁷ Children under 18 years of age fought in the ranks of the Bougainville Revolutionary Army (BRA), and children as young as 13 and 14 years old were reportedly recruited. The BRA has since announced that it will review its recruitment policies and refrain from admitting children under 18 years old. Coalition to Stop the Use of Child Soldiers, "Papua New Guinea," in *Global Report 2001*, [cited September 30, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/f30d86b5e33403a180256ae500381213/d3fd060bf388329f80256ae6002426d7?OpenDocument>.

²⁷⁹⁸ Voluntary Service Organization, *Education in Papua New Guinea*.

²⁷⁹⁹ World Bank, *World Development Indicators 2002*.

²⁸⁰⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁸⁰¹ Asian Development Bank, *Country Operational Strategy Study*, 5.

²⁸⁰² Information on the enforcement of child labor legislation is not available. U. S. Department of State, *Country Reports on Human Rights Practices-2001: Papua New Guinea*, Washington, D.C., March 4, 2002, 1131-32, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8368.htm>.

²⁸⁰³ *Constitution of the Independent State of New Guinea*, [cited August 26, 2002]; available from http://www.vanuatu.usp.ac.fj/Paclawmat/PNG_legislation/Constitution.htm.

Summary Offences Act bans child prostitution, and the Criminal Code prohibits procuring, luring or abducting women or girls for sexual relations.²⁸⁰⁴

The Government of Papua New Guinea ratified both ILO Convention 138 and ILO Convention 182 on June 2, 2000.²⁸⁰⁵

²⁸⁰⁴ *Papua New Guinea Criminal Code*, Chapter 262, no. 218 [cited August 19, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/PapuaNewGuineaF.pdf>.

²⁸⁰⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited August 26, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Paraguay

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

The Government of Paraguay has been a member of ILO-IPEC since 1998 and created the National Commission on Child Labor in 1999.²⁸⁰⁶ In 2001, ILO-IPEC began implementing two USDOL-funded projects to address the child and adolescent domestic service population in Asunción and the sexual exploitation of children and adolescents on the country's border with Argentina and Brazil.²⁸⁰⁷ In addition, Paraguay and the other MERCOSUR²⁸⁰⁸ member governments, the government of Chile, and ILO-IPEC have developed a 2002 – 2004 regional plan to combat child labor.²⁸⁰⁹

In 1997, the Presidency of the Republic, through its Secretariat of Social Action, began the implementation of a four-year program to improve the quality of the lives of children and adolescent street workers.²⁸¹⁰ In July 2000, the Ministry of Education and Culture initiated a five-year program to strengthen basic education reform.²⁸¹¹ The Ministry of Public Health's Social Welfare Office has developed on-going programs that offer financial help to vulnerable groups

²⁸⁰⁶ Government of Paraguay, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, Ministry of Justice, Viceministry of Labor and Social Security, National Employment Service Bureau, International Affairs, October 24, 2001, 2.

²⁸⁰⁷ ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, cover page. See also ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, project document, RLA/00/P55/USA, Geneva, September 2000.

²⁸⁰⁸ El Mercado Común del Sur. The Common Market of the South (America). Member countries include Argentina, Brazil, Paraguay and Uruguay. MERCOSUR, *La Página Oficial del MERCOSUR: Antecedentes del MERCOSUR*, [online] [cited November 12, 2002]; available from <http://www.mercosur.org.uy/espanol/sinf/varios/introduccion.htm>.

²⁸⁰⁹ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros: Boletín Electronico del Programa Internacional para la Erradicación del Trabajo Infantil, IPEC-Sudamérica* 2, 6, (August 2002), [cited August 23, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeacciondos.html>.

²⁸¹⁰ 232 technical assistance projects were approved, benefiting nearly 72,000 children and adolescent street workers for a total of USD 9.3 million from an IDB grant and USD 1.6 million from the Paraguayan government. Inter-American Development Bank, *Perfil II: Paraguay*, online, September 2001, 4-5 [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/pro/upr0125.pdf>.

²⁸¹¹ Inter-American Development Bank, *Program to Strengthen Basic Education Reform*, online, [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/apr/pr1254e.pdf>.

including street children.²⁸¹² The government also gave funds to all regional departments in 1999 and 2000 to establish school feeding programs.²⁸¹³

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 6.2 percent of children ages 5 to 14 years were working in Paraguay.²⁸¹⁴ According to the Ministry of Labor and Justice, 23 percent of children in urban areas work and the corresponding rate in rural areas is 44 percent.²⁸¹⁵ Data from the National Census indicates that nearly two-thirds of child workers are boys and more than one-third are girls.²⁸¹⁶ Children sell newspapers and sundries, clean car windows, and work in family enterprises and alongside their parents in fields.²⁸¹⁷ Poor families often send their daughters to work as domestic servants in the homes of friends or relatives in exchange for room, board and financial support for schooling.²⁸¹⁸ There are reports that in 2000 and 2001, traffickers reportedly lured girls from Paraguay to Argentina to work as models or domestic servants, then forced the girls into prostitution.²⁸¹⁹ Paraguay is also a country of destination for girls trafficked from other countries in the South America region for purposes of commercial sexual exploitation.²⁸²⁰ There have been allegations that children from rural areas have been forced to use falsified identification documents to enlist in the armed forces.²⁸²¹

²⁸¹² World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US \$9.0 Million to the Republic of Paraguay for a Paraguay Pilot Community Development Project*, online, 23688-PA, Washington, D.C., March 4, 2002, 8 [cited August 23, 2002]; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/03/22/000094946_02030704010785/Rendered/PDF/multi0page.pdf. See also United Nations Development Programme, *El Gasto Público en Servicios Sociales Básicos en Paraguay: Análisis desde la Perspectiva de la Iniciativa 20/20: Estudio elaborado por el Sistema de las Naciones Unidas*, online, Asunción, September 2000, [cited October 9, 2002]; available from http://www.undp.org/rblac/documents/poverty/gastosoc/gastosoc_par.pdf.

²⁸¹³ The World Food Programme, "Paraguay: Disbelief and Economic Setbacks," in *Global School Feeding Report 2002*, 2002, 43-44.

²⁸¹⁴ Government of Paraguay, *Encuesta Permanente de Hogares (EPH)*, see "Percentage of Children in the Expanded Population Working Only and Working and Studying, by Sex and Age" [cited August 27, 2002]; available from <http://www.ucw-project.org/resources/>.

²⁸¹⁵ Government of Paraguay, *Information on Efforts by Paraguay*, 1.

²⁸¹⁶ ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, online, 12 [cited October 9, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/documentos/folletomercosur.doc>.

²⁸¹⁷ U. S. Department of State, *Country Reports on Human Rights Practices-2001: Paraguay*, Washington, D.C., March 4, 2002, 3000-02, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8297.htm>.

²⁸¹⁸ *Ibid.*, Section 6c.

²⁸¹⁹ *Ibid.*, Section 6f.

²⁸²⁰ "News from Brazil," *Brazilian Justice and Peace Service*, 244 (September 12, 1996), [cited October 9, 2002]; available from <http://www.oneworld.org/sejup/244.htm>. See also Protection Project, "Paraguay," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002, [cited October 9, 2002]; available from <http://www.protectionproject.org/main1.htm>.

²⁸²¹ Coalition to Stop the Use of Child Soldiers, "Paraguay," in *Global Report 2001*, 2001, [cited December 31, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/4193c336ce2b1d9a80256b1e00560cb8?OpenDocument>.

The General Education Law establishes free and compulsory basic education for nine years.²⁸²² In 1998, the gross primary enrollment rate was 115.5 percent, and the net primary enrollment rate was 91.7 percent.²⁸²³ Primary school attendance rates are unavailable for Paraguay. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.²⁸²⁴ The Ministry of Labor and Justice reports that only 50 percent of children who start the first grade complete the primary level, and in rural areas, the completion rate drops to 10 percent.²⁸²⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.²⁸²⁶ The Child and Adolescent Code prohibits children between the ages of 14 and 18 from working underground, underwater, or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well being.²⁸²⁷ Children between the ages of 14 and 16 may not work in excess of four hours a day and 24 hours a week. Children ages 16 to 18 may not work more than six hours a day and 36 hours a week.²⁸²⁸ The Code also makes it unlawful to contract children for domestic work outside of Paraguay.²⁸²⁹

The Constitution prohibits any form of slavery, repression or trade in human beings.²⁸³⁰ The commercial sexual exploitation of children and adolescents, and the production or distribution of pornographic publications, are prohibited under the Child and Adolescent's Code.²⁸³¹ The Penal Code prohibits any individual from putting the life or liberty of another individual in danger by forcing, tricking or coercing a person to leave the country, and it proscribes legal punishments for individuals who prostitute children under the age of 18.²⁸³² In cases in which a crime, such as

²⁸²² Government of Paraguay, *Legislación juvenil en Paraguay: Ley General de Educación*, [cited October 9, 2002]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/par/iii/index.htm>. See also U.S. Embassy- Asunción, *unclassified telegram no. 1276*, September 2001.

²⁸²³ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁸²⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁸²⁵ Government of Paraguay, *Information on Efforts by Paraguay*, 1.

²⁸²⁶ Government of Paraguay, *Código del Trabajo*, Ley Núm. 213, que establece el Código del Trabajo, [cited October 9, 2002]; available from <http://www2.paraguaygobierno.gov.py/gacetaoficial/codigolaboral.PDF>.

²⁸²⁷ Government of Paraguay, *Código de la Niñez y la Adolescencia*, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores.

²⁸²⁸ *Ibid.*, Capítulo II, Artículo 58.

²⁸²⁹ *Ibid.*, Capítulo III, Artículo 67.

²⁸³⁰ Government of Paraguay, *Constitución Nacional*, Parte I, Título II, De los Derechos, de los Deberes y de las Garantías, Sección III, Capítulo II, De la Libertad, Artículo 10, De la Proscripción de la Esclavitud y Otras Servidumbres, [cited October 9, 2002]; available from <http://www.senado.gov.py/constitu.html>.

²⁸³¹ *Código de la Niñez y la Adolescencia*.

²⁸³² The Penal Code calls for a jail sentence of up to 10 years. Government of Paraguay, *Código Penal*, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo [cited November 5, 2001]; available from http://www.itacom.com.py/ministerio_publico/codigo_penal/libro2_titulo1_capitulo4.html.

trafficking in persons, is committed abroad by a Paraguayan national, Paraguay's criminal law allows for extraterritorial jurisdiction.²⁸³³ It is an offense to induce a person under 18 years of age into prostitution.²⁸³⁴ If the perpetrator acts for profit or if the victim is under 14, the penalty can increase.²⁸³⁵

The Ministry of Labor and Justice's Director General for the Protection of Minors is responsible for enforcing child labor laws. The government does not have sufficient resources to effectively enforce regulations on the minimum age for employment.²⁸³⁶ Child victims of prostitution are often treated as offenders in detention centers and it is rare for clients or individuals who profit from prostitution to be caught or sanctioned.²⁸³⁷

The Government of Paraguay has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 3, 2001.²⁸³⁸

²⁸³³ In addition, the act must be considered a crime in the country in which it was committed. See ECPAT International, *Paraguay*, in ECPAT International, [database online] [cited September 3, 2002], at "Protection"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

²⁸³⁴ Ibid.

²⁸³⁵ Ibid.

²⁸³⁶ U. S. Department of State, *Country Reports- 2001: Paraguay*, 3000-02, Section 6d.

²⁸³⁷ Ibid.

²⁸³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited November 12, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Peru

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

The Government of Peru has been a member of ILO-IPEC since 1996.²⁸³⁹ ILO-IPEC programs in Peru include the first and second phase of a USDOL-funded regional program to eliminate child labor in the small-scale, traditional mining sectors of Bolivia, Ecuador and Peru, and a USDOL-funded regional program to eliminate child domestic labor in Brazil, Colombia, Paraguay, and Peru.²⁸⁴⁰ ILO-IPEC also provides support to remove children from dangerous work in stone quarries.²⁸⁴¹

In 2002, the Ministry of Women and Social Development (MIMDES)²⁸⁴² produced the National Action Plan for Children and Adolescents 2002 – 2010, which focuses on the elimination of the worst forms of child labor for children between the ages of 6 and 11 and promotes control over working conditions for adolescents at or above the legal working age as two of its strategic objectives.²⁸⁴³ The National Institute of Family Well-Being has a program that provides a variety of services to working youth, including school support, housing, reintegration into the public school system, reinsertion into the family, and vocational training.²⁸⁴⁴ The Ministry of Health's School and Adolescent Health Program provides free medical coverage to children throughout the country

²⁸³⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [cited October 8, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁸⁴⁰ ILO-IPEC, *Program To Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document, P.260.03.202.050, Geneva, May 2000, cover page. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, RLA/02/P50/USA, Geneva, September 2002, cover page. See also ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000.

²⁸⁴¹ USAID: Basic Education and Policy Support Activity, *Education to Combat Abusive Child Labor: Child Labor Country Briefs- Peru*, [cited September 5, 2002]; available from <http://209.135.227.32/childlaborbriefs/DashBoard2/default.asp>.

²⁸⁴² In July 2002, with the reorganization of the executive branch of government, PROMUDEH was re-named the Ministerio de la Mujer y Desarrollo Social (MIMDES) by law No. 27779. Ministry of Women and Social Development, *Antecedentes*, [cited September 30, 2002]; available from <http://www.promudeh.gob.pe/indiceorg.htm>.

²⁸⁴³ Government of Peru, *Plan Nacional de Acción para la Infancia y la Adolescencia 2002 - 2010: Construyendo un Perú Mejor para la Niñas, Niños y Adolescentes*, [cited November 12, 2002]; available from <http://www.minimdes.gob.pe/indiceorg.htm>.

²⁸⁴⁴ National Institute of Family Welfare (INABIF), *Nuestros Servicios*, [cited September 5, 2002]; available from <http://www.inabif.gov.pe/servicio/servicio2.htm>. During the first 3 months of 2002, the program provided services to approximately 5,410 working children and adolescents in 17 provinces. National Institute of Family Welfare (INABIF): Oficina de Planeamiento y Desarrollo: Area de Estadística, *INABIF en Cifras I y II Trimestres 2001, Boletín I Trimestres 2002*, 10, [cited on September 5, 2002]; available from <http://www.inabif.gob.pe/publica/encifras/2002/uno/contenido.pdf>.

beginning at age 5 with the aim of promoting healthy behavior.²⁸⁴⁵ In 1995, the National Police created the Division of the National Police for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.²⁸⁴⁶

The Ministry of Education is implementing a basic education program that aims to improve the quality and infrastructure of education throughout the country and strengthen teacher's skills and technological innovation, especially in rural areas.²⁸⁴⁷ The Ministry is also implementing a distance-learning program using computer technology to provide children with access to school throughout the country.²⁸⁴⁸ With funds from the Organization of American States, the Ministry of Education's National Office on Pre-primary and Primary Education has developed a program to improve the quality and equity of basic education in rural areas through radio learning.²⁸⁴⁹ The Ministry also began a three-year program in 2000 with assistance from the IDB to improve the quality of secondary education and to increase the educational system's relevance and linkage to the labor market.²⁸⁵⁰ With financing from the World Bank, the ministry began implementation of a project in 2002 to extend access to basic education, improve teaching quality and motivation in rural areas, and strengthen education management.²⁸⁵¹ A USDOL-funded project to promote access to quality basic education in the small-scale mining zones of the department of Puno was launched in September 2002.²⁸⁵²

²⁸⁴⁵ Government of Peru, *Programa Salud Escolar y Adolescente*, Ministry of Health: General Bureau of Health of Persons: Bureau of the Woman, Child and Adolescent, [cited October 1, 2002]; available from <http://www.minsa.gob.pe/psea/index.htm>.

²⁸⁴⁶ Estudio Torres y Torres Lara, *Directiva No. 19-95-DIVIPOLNA Sobre Atención y y Intervención Policial con Niños y Adolescentes (25 de abril de 1995)*, [cited September 5, 2002]; available from <http://www.asesor.com.pe/teleley/direc-19-95.htm>.

²⁸⁴⁷ This project includes public schools in marginal urban, rural, border and emergency zones at the pre-school, primary and secondary levels. Ministry of Education, *Programa de educación básica para todos*, [cited September 30, 2002]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basico.html.

²⁸⁴⁸ The program also includes permanent teacher training. By the end of 2002, 1,233,684 students and 1,500 schools will have benefited from the program. Ministry of Education, *Ministro de Educación Presenta Líneas de Acción del Programa Estratégico Huascarán*, [cited September 30, 2002]; available from http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=23-09-2002_01.htm.

²⁸⁴⁹ Ministry of Education: National Bureau of Initial and Primary Education, *La Radio Nos Une*, [cited September 30, 2002]; available from <http://www.minedu.gob.pe/proyectos/dir.php?obj=proyectos.htm>. The same office has also supported a program, *Proyecto Materiales Educativos* (Project Teaching Materials), that strengthens national capacity to develop innovative teaching materials. See Ministry of Education, *Proyecto Materiales Educativos*, [online] [cited September 30, 2002]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/dir.php?obj=materiales_educa.htm.

²⁸⁵⁰ Inter-American Development Bank, *Program to Improve the Quality of Secondary Education: Executive Summary*, approved January 2000, [cited September 5, 2002]; available from <http://www.iadb.org/exr/doc98/apr/pe1237e.pdf>.

²⁸⁵¹ World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002, [cited September 30, 2002]; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21/000094946_01122104030511/Rendered/PDF/multi0page.pdf.

²⁸⁵² Ministry of Education, *Ministro de Educación Firma Convenio para Financiar Proyecto Orientado a Combatir Trabajo Infantil*, [cited September 30, 2002]; available from http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=24-09-2002_02.htm.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 1.9 percent of children ages 10 to 14 years in Peru were working.²⁸⁵³ A large number of children are working in the country's informal economy.²⁸⁵⁴ Data from the National Household Survey indicate that the working population ages 14 to 17 tripled between 1997 and 2001.²⁸⁵⁵ Children are employed in the agricultural sector, fireworks factories, stone quarries, and the brick-making sector. Children are also found loading and unloading produce in markets, collecting garbage and working in informal mining sites.²⁸⁵⁶ In urban areas, children often work shining shoes²⁸⁵⁷ and perform unpaid domestic work.²⁸⁵⁸ It is reported that some children under the age of 15 years are forced to join the military through a system of recruitment called *leva*.²⁸⁵⁹ These forced recruits often come from border areas or rural areas of the interior.²⁸⁶⁰ Children also engage in prostitution.²⁸⁶¹ The commercial sex trade flourishes in Cuzco due to high unemployment and high tourism levels, and children are reportedly involved.²⁸⁶²

²⁸⁵³ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. As noted in the appendix to this report, estimates on the number of working children are likely to be underestimates because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, particularly children in the worst forms of child labor.

²⁸⁵⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Peru*, Washington, D.C., March 4, 2002, 3024-27, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8263.htm>.

²⁸⁵⁵ From 339,000 in 1997 to 970,000 in 2001. ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Part II: Compilation of Annual Reports by the International Labour Office: Peru*, Geneva, March 2002.

²⁸⁵⁶ U.S. Department of State, *Country Reports- 2001: Peru*, 3024-27, Section 6d.

²⁸⁵⁷ Jesus V. Astete and Isabel R. Baufume, *Trabajando en las calles de mi ciudad* (Cuzco, Peru: Asociación Qosqo Maki, 1998), 28.

²⁸⁵⁸ ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour*, project document.

²⁸⁵⁹ Coalition to Stop the Use of Child Soldiers, *The Use of Children as Soldiers in Latin America: A Country Analysis*, May 1999, [cited October 1, 2002]; available from <http://globalmarch.org/virtuallibrary/radda-barnen-child-soldiers/database/peru-armed-forces.htm>.

²⁸⁶⁰ Coalition to Stop the Use of Child Soldiers, "Peru," in *Global Report 2001*, [cited August 27, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/e6f83a2ff10d3d8180256b1e00566960?OpenDocument>.

²⁸⁶¹ ECPAT International, *Peru*, in ECPAT International, [database online] [cited August 30, 2002], at "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- 2001: Peru*, 3020-24, Section 5.

²⁸⁶² ECPAT International, *Peru*, at "Child Prostitution".

The Constitution establishes free and compulsory public education through secondary school.²⁸⁶³ In 1998, the gross primary enrollment rate was 126.4 percent and the net primary enrollment was 103.1 percent.²⁸⁶⁴ School attendance is lower in rural and jungle areas, and girls attend at a lower rate than boys.²⁸⁶⁵ Attendance rates are not available for Peru. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁸⁶⁶ Indigenous children and those from rural areas lack access to the education system.²⁸⁶⁷ Average numbers of years of schooling and student performance are also sharply lower in rural areas than in urban areas.²⁸⁶⁸ The Child and Adolescent Code provides for special arrangements and school timetables so that working children and adolescents can attend school regularly.²⁸⁶⁹

Child Labor Laws and Enforcement

In July 2002, the Office of Child Protection, Safety and Health in the Workplace was created within the Ministry of Labor and Employment Promotion to protect the rights of minors in the workplace.²⁸⁷⁰ In 2001, new legislation was passed that modified the Child and Adolescent's Code of 2000 and raised the legal minimum age for employment from 12 to 14 years.²⁸⁷¹ However, children between the ages of 12 and 14 may perform certain jobs if they obtain legal permission from the Ministry of Labor and Employment Promotion and can certify that they are attending school. In August 2002, the Ministry reported that it approved 839 of these requests in the first eight months of the year.²⁸⁷²

²⁸⁶³ Preschool, primary and secondary education are compulsory. *Constitución Política del Perú de 1993, actualizada hasta reformas introducidas por la Ley 27365, del 02.11.2000*, Article 17, [cited November 12, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Peru/per93.html>. At the beginning of the 1990s, basic education was only required for a 6-year period. See UNESCO, *Education for All 2000 Assessment: Country Reports- Peru*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, [cited September 5, 2002]; available from http://www2.unesco.org/wef/countryreports/peru/rapport_1.htm.

²⁸⁶⁴ World Bank, *World Development Indicators 2002*. Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data.

²⁸⁶⁵ U.S. Department of State, *Country Reports- 2001: Peru*, 3020-24, Section 5.

²⁸⁶⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁸⁶⁷ International Confederation of Free Trade Unions, *Peru: Report on Core Labour Standards for the WTO: ICFTU Report for the WTO General Council Review of the Trade Policies of Peru*, Geneva, May 30-31, 2000, [cited October 1, 2002]; available from <http://www.icftu.org>.

²⁸⁶⁸ World Bank, *Peru-Rural Education, project information document*.

²⁸⁶⁹ ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [cited September 5, 2002]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

²⁸⁷⁰ Nestor Popolizio, *Cuestionario sobre Trabajo Infantil*, Embassy of Peru, September 5, 2002, 5.

²⁸⁷¹ Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, [cited September 5, 2002]; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/27571.htm>.

²⁸⁷² Popolizio, *Cuestionario sobre Trabajo Infantil*, 3, 15.

According to the Code, the minimum age for the hazardous industrial, commercial or mining sectors is 15 years, while in the fishing sector, it is 16.²⁸⁷³ Work that might harm a child's physical, mental and emotional health and development, including underground work or work that involves heavy lifting and carrying, or work that might serve as an obstacle to continued school attendance, is prohibited for youth under the age of 18.²⁸⁷⁴ Children between the ages of 12 and 14 years are prohibited from working more than four hours a day, or over 24 hours a week, and adolescents between 15 and 17 years may not work more than six hours a day, or over 36 hours a week.²⁸⁷⁵ Working children must be paid at the same rate as adult workers.²⁸⁷⁶

The Child and Adolescent Code prohibits extreme forms of child labor such as forced and bonded labor, economically exploitative labor, prostitution, and trafficking.²⁸⁷⁷ Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others.²⁸⁷⁸ Laws prohibiting kidnapping, the sexual abuse of minors and illegal employment are enforced and can be used to sanction individuals who traffic children for exploitative labor.²⁸⁷⁹ In 2001, amendments to the Penal Code strengthened existing penalties by criminalizing the production, possession and distribution of child pornography. In contrast, other amendments weakened existing penalties for sexual assaults against children.²⁸⁸⁰

The Ministry of Labor and Employment Promotion is responsible for enforcing labor laws. As of October 2002, the Ministry had 170 labor inspectors, over a third of whom work in Lima. Inspections are primarily conducted in the formal sector, and enforcement remedies are generally adequate to punish and deter violations.²⁸⁸¹ Many children work in the informal economy,

²⁸⁷³ Ministry of Labor and Employment Promotion (formerly the Ministry of Labor and Social Welfare), *Requisitos y formalidades para la contratación laboral de adolescente*, Resolución Ministerial No 033-2000-TR.9; available from <http://www.mtps.gob.pe/normas/033-2000-tr.htm>.

²⁸⁷⁴ Ibid.

²⁸⁷⁵ Ministry of Labor and Employment Promotion (formerly the Ministry of Labor and Social Welfare), *Síntesis Legal. 7.1.3, Jornadas especiales de trabajo adolescentes*, [cited October 1, 2002]; available from <http://www.mtps.gob.pe/sintesis.htm>. The Code further stipulates that all apprenticed adolescents must be registered by the company and authorized by the Ministry of Labor and Social Promotion. Ministerio de Trabajo y Promoción Social, *Síntesis Legal: 7.3.1, Formación laboral juvenil*, [cited October 1, 2002]; available from <http://www.mtps.gob.pe/sintesis.htm>. Working adolescents are not required to register with the Ministry of Labor if they are performing domestic or unpaid family work; however, the head of the household for which they work must register them in the municipal labor records. See 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, Capítulo IV, Régimen para el adolescente trabajador, Artículo 50*; available from <http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html>. Adolescent domestic work also requires authorization from local authorities, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337, Capítulo IV, Régimen para el adolescente trabajador, Artículo 48*.

²⁸⁷⁶ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337, Capítulo IV, Régimen para el adolescente trabajador, Artículo 59*.

²⁸⁷⁷ Ibid., Libro primero: Derechos y libertades, Capítulo I: Derechos Civiles, Artículo 4.

²⁸⁷⁸ U.S. Department of State, *Country Reports- 2001: Peru*, 3020-24, Section 5.

²⁸⁷⁹ Ibid., 3024-27, Section 6f.

²⁸⁸⁰ ECPAT International, *Peru*, at "CSE Overview".

²⁸⁸¹ U. S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

however, where the government does not supervise wages or working conditions.²⁸⁸² The Directorate of Children and Adolescent Affairs, an office within MIMDES, is charged with protecting the rights of children and adolescents.²⁸⁸³ At the municipal level, the Municipal Child and Adolescent Defender Centers (DEMUNAs) work with local governments to supervise investigations, apply punishments,²⁸⁸⁴ and monitor compliance of child labor laws.²⁸⁸⁵ Reportedly, police often treat prostituted children as offenders and grant impunity to their clients. In addition, corruption among law enforcement officials makes implementation of children's rights and the protection of children more difficult.²⁸⁸⁶

The Government of Peru ratified ILO Convention 138 on November 13, 2002 and ILO Convention 182 on January 10, 2002.²⁸⁸⁷

²⁸⁸² U.S. Department of State, *Country Reports- 2001: Peru*, 3024-27, Section 6d.

²⁸⁸³ Ministry of Women and Social Development, *Gerencia de Promoción de la Niñez y la Adolescencia*, [cited October 1, 2001]; available from http://www.promudeh.gob.pe/i_gpna.htm. See also U.S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

²⁸⁸⁴ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, *Ley no. 27337*, Capítulo V, Contravenciones y Sanciones, Artículo 70.

²⁸⁸⁵ U. S. Embassy- Lima, *unclassified telegram no. 5249*.

²⁸⁸⁶ ECPAT International, *Peru*, at "Prevention". The Peruvian judiciary is subject to corruption and outside influence. See U.S. Department of State, *Country Reports- 2001: Peru*, 3003-14, Section 1e. See also UN International Covenant on Civil and Political Rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant : Concluding Observations by the Human Rights Committee: Peru*, CCPR/CO/70/PER, United Nations, Geneva, November 15, 2000, para. 10 [cited December 16, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/64d36352915d29dec12569ae003d95fe?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/64d36352915d29dec12569ae003d95fe?Opendocument).

²⁸⁸⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 4, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Philippines

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

The Government of the Philippines became a member of ILO-IPEC in 1994. The government, however, first began an anti-child labor program in 1988 in order to coordinate the activities of government agencies. In 1992, the government established the National Child Labor Program Committee, composed of governmental, nongovernmental, employer, and worker representatives, to provide policy and technical assistance on child labor.²⁸⁸⁸ The government has created strategic action plans on trafficking,²⁸⁸⁹ child labor,²⁸⁹⁰ children's issues (including efforts to protect children with special needs such as working children),²⁸⁹¹ and for children engaged in armed conflict.²⁸⁹² President Arroyo established a Department of Labor and Employment (DOLE)-led Poverty-Free Zone Program in September 2001 that includes anti-child labor activities.²⁸⁹³

In cooperation with ILO-IPEC, community and direct action initiatives are being implemented in the Philippines to target specific occupations utilizing the worst forms of child labor.²⁸⁹⁴ In June 2002, USDOL, the Philippine DOLE, and the Philippine Department of Education (DEPED) signed a letter of intent committing all three agencies to collaborate on Time-Bound initiatives aimed at reducing the number of children participating in the worst forms of child labor, and strengthening

²⁸⁸⁸ ILO-IPEC, *Program to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines*, technical progress report, RAS/99/05P/050, August 30, 2002, 3.

²⁸⁸⁹ U.S. Department of State, *Trafficking in Persons Report- 2002: Philippines*, Washington, D.C., June 5, 2002, 82 [cited August 2, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

²⁸⁹⁰ With support from ILO-IPEC, the National Program Against Child Labor (2001-2004) establishes a framework for the implementation of comprehensive action against child labor. 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, iii.

²⁸⁹¹ The plan was adopted by order of former President Estrada through Executive Order No. 310, 3 November 2000. The Framework is also referred to as "Child 21." Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2005*, Makati City, Philippines, 2000, vii-viii, 37.

²⁸⁹² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Philippines*, Washington, D.C., March 4, 2002, 1144-48, Section 5 [cited December 31, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8371.htm>.

²⁸⁹³ U.S. Embassy- Manila, *unclassified telegram no. 5729*, October 18, 2002.

²⁸⁹⁴ The Philippine-ILO Indicative Framework of 1994 established the priority target groups for anti-child labor activity. Through 2001, IPEC had implemented more than 60 anti-child labor programs totaling about USD 3 million, and has built partner capacity to combat child labor. ILO-IPEC, *Supporting the Time-Bound Program*, project document, 15-16. USDOL funded two ILO-IPEC initiatives in 1999, focusing on children engaged in deep-sea fishing, and in the informal footwear sector in Laguna: ILO-IPEC, *Programme to Combat Child Labour in the Fishing Sector in Indonesia and the Philippines*, project document, Geneva, September 1999. See also ILO-IPEC, *Programme to Combat Child Labour in the Footwear Sector in Southeast Asia: Indonesia, the Philippines, and Thailand*, project document, Geneva, September 1999.

the Philippines' educational systems.²⁸⁹⁵ The USDOL-funded ILO-IPEC Time-Bound Program was launched in 2002 with the long-term objective of eliminating specified worst forms of child labor. Under this USD 5.2 million program, sectors to be targeted include commercial sexual exploitation, mining and quarrying, pyrotechnics, deep-sea fishing, domestic service, and work on commercial sugar cane farms.²⁸⁹⁶ With funding from USDOL and technical assistance from ILO-IPEC, the Philippine National Statistics Office (NSO) conducted the second round of a national child labor survey in 2001 to identify the extent and nature of child labor in the Philippines.²⁸⁹⁷

Since 1994, DOLE has implemented the "Sagip Batang Manggagawa" (SBM-"Rescue the Child Workers") Program to monitor suspected cases of child labor and intervene on behalf of children in affirmed cases.²⁸⁹⁸ 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' (BWYW) Family Welfare Program.²⁸⁹⁹ The Department of Social Welfare and Development provides social welfare support for victims of prostitution and trafficking.²⁹⁰⁰ The government cooperates with the U.N. Center for International Crime Prevention in implementing a pilot project to improve law enforcement and interagency cooperation on anti-trafficking initiatives, as well as victim assistance, and the Department of Foreign Affairs operates a task force on trafficking in persons.²⁹⁰¹ Both independently and with UNICEF assistance, the government launched national information and awareness-raising campaigns against child labor.²⁹⁰²

²⁸⁹⁵ Letter of Intent between the U.S. Department of Labor, the Department of Labor and Employment of the Republic of the Philippines, and the Department of Education of the Republic of the Philippines, June 28, 2002, paragraphs 1 and 3.

²⁸⁹⁶ The Time-Bound Program implementation has been integrated into the National Programme Against Child Labour for 2001-2004. USDOL funded the ILO-IPEC Time-Bound Program in September 2002. ILO-IPEC, *Supporting the Time-Bound Program, project document*, ii-iii, 4-5. In a May 2001 speech, President Arroyo committed the government to "undertake effective and time-bound measures to eliminate the worst forms of child labor in our midst and prevent future generations from engaging in the same." See 21st National Convention of the Federation of Free Workers, Statement read by Department of Labor and Employment Secretary Patricia Aragon Santo Tomas, May 25, 2001. See also ILO Special High-Level Session, Statement by Department of Labor and Employment Secretary Patricia Aragon Santo Tomas, June 12, 2001.

²⁸⁹⁷ 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. The Philippine National Statistics Office conducted the first round in 1995, 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, 1995.

²⁸⁹⁸ U.S. Embassy- Manila, *unclassified telegram no. 4103*, June 23, 2000. From 2000 to the second quarter of 2001, the interagency program conducted 107 rescue operations involving 346 minors. See U.S. Embassy- Manila, *unclassified telegram no. 5729*.

²⁸⁹⁹ The BWYW has conducted training for government officials who enforce child labor laws as well as for companies nationwide. U.S. Embassy- Manila, *unclassified telegram no. 5990*, October 10, 2001.

²⁹⁰⁰ U.S. Department of State, *Country Reports- 2001: Philippines*, 1148-53, Section 6f.

²⁹⁰¹ Ibid.

²⁹⁰² The Philippine Information Service (PIA) campaign includes posters, comic page inserts, and radio and television announcements that are aimed at children, parents and employers. PIA also holds workshops with the assistance of UNICEF, and it works locally to collect baseline data on people's attitudes and perceptions on child labor. U.S. Embassy- Manila, *unclassified telegram no. 4103*.

The Medium-Term Philippine Development Plan for 2001-2004 includes promotion of universal primary education.²⁹⁰³ DEPED is implementing functional education and literacy programs that provide working children with basic education and skills training. In addition, the government is working in consultation with community groups to implement the National Project on Street Children that provides street children with the financial support to continue their education.²⁹⁰⁴ DEPED's Bureau of Non-formal Education collaborates with donors and local government bodies to provide non-formal education (NFE) under the NFE Accreditation and Equivalency System.²⁹⁰⁵ DEPED began to extend the system to out-of-school children ages 6 through 14 in 2002.²⁹⁰⁶

The Asian Development Bank (ADB) and the government signed an agreement to work in partnership to fight poverty, including improving the quality of basic education.²⁹⁰⁷ The ADB is currently funding three projects through DEPED,²⁹⁰⁸ the Technical Education and Skills Development Authority (TESDA),²⁹⁰⁹ and the Development Bank of the Philippines to improve secondary and vocational education.²⁹¹⁰ The Australian Agency for International Development (AusAID) is also assisting the delivery of quality technical education services through TESDA,²⁹¹¹ as well as improving basic education in Mindanao.²⁹¹² UNICEF works actively with the government to promote children's rights, assist children in need of special protection, including working children, and support educational improvements.²⁹¹³

²⁹⁰³ ILO-IPEC, *Supporting the Time-Bound Program*, project document, 13-14.

²⁹⁰⁴ Ibid.

²⁹⁰⁵ Department of Education: Bureau of Nonformal Education, *Innovations in Nonformal Education: The Challenge for Teacher Training Institutions*, Pasig City, 2001, 4-8.

²⁹⁰⁶ Dr. Rosario de Guzman, electronic communication to USDOL official, June 19, 2002.

²⁹⁰⁷ *Republic of the Philippines - Asian Development Bank Poverty Partnership Agreement*, signed in Manila, the Philippines, October 10, 2001 [cited September 2, 02]; available from http://www.adb.org/Documents/Poverty/pa_phi.pdf.

²⁹⁰⁸ Asian Development Bank, *Secondary Education Development and Improvement (LOAN: PHI 25182-01)*, [cited September 6, 2002]; available from <http://www.adb.org/Documents/Profiles/LOAN/25182013.ASP>.

²⁹⁰⁹ Asian Development Bank, *Technical Education and Skills Development (LOAN: PHI 23229-01)*, [cited September 6, 2002]; available from <http://www.adb.org/Documents/Profiles/LOAN/23229013.ASP>.

²⁹¹⁰ The funds are available for private institutions providing technical education to borrow in order to improve services. Ibid. The ADB also has three projects in the pipeline to support government efforts under three projects to address basic education in Mindanao, conduct overall education sector reform, and improve teacher training and management. See Asian Development Bank, *Country Strategy and Program Update (2002-2004)*, [cited September 4, 2002], Appendix 6; available from <http://www.adb.org/Documents/CSPs/PHI/2001/default.asp>.

²⁹¹¹ AusAID, *Boost for Philippines Technical and Vocational Education*, [press release] 2002 [cited September 5, 2002]; available from http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=8445_5335_294_2481_916.

²⁹¹² AusAID, *Country Brief- Philippines*, [cited September 5, 2002]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1148_8702_9418_7487_8517&CountryId=31.

²⁹¹³ Government of the Philippines and UNICEF, *CPC V: Programme of Cooperation for Child Survival, Protection, Development and Participation in the Philippines: Master Plan of Operations between the Government of the Philippines and UNICEF, 1999-2000*, Manila, February 1999, 99-101, 25-28.

Incidence and Nature of Child Labor

A national child labor survey conducted in 2001 by the Philippine National Statistics Office, in cooperation with ILO-IPEC, estimated that 16.2 percent (4 million) of children ages 5 to 17 years in the Philippines were working. The survey found that of the country's 24.9 million children ages 5 to 17 years, 2.4 million work under hazardous conditions. Almost half of working children, or 1.9 million, are ages 10 through 14.²⁹¹⁴ Child labor is more prevalent in rural areas.²⁹¹⁵ Almost half of all child workers are engaged in agricultural activities,²⁹¹⁶ while other children work in informal footwear production,²⁹¹⁷ drug trafficking,²⁹¹⁸ pyrotechnics production, deep-sea fishing, mining and quarrying,²⁹¹⁹ and pearl farming.²⁹²⁰ Children living on the streets engage in informal labor activities such as scavenging or begging. Children are also engaged in domestic service and are involved in the commercial sex industry.²⁹²¹ Children are reportedly trafficked internally for purposes of commercial sexual exploitation and labor.²⁹²² There are no reports of child soldiers in the government armed forces, but children under the age of 18 are used as soldiers in paramilitary

²⁹¹⁴ National Statistics Office, *Philippine Survey on Children 2001 (Preliminary Results)*, May 2002, [cited September 5, 2002]; available from <http://www.census.gov.ph/data/pressrelease/2002/ch01prtx.html>. In 2000, the ILO estimated that 5.4 percent of children ages 10 to 14 in the Philippines were working. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁹¹⁵ Within the specified age group, 70 percent of working children worked in rural areas. National Statistics Office, *Philippine Survey on Children 2001*.

²⁹¹⁶ Ibid. See also Alejandro W. Apit, Kamalayan Development Foundation, interview with USDOL official, April 6, 2000.

²⁹¹⁷ Children manufacturing footwear from home are exposed to dangerous glue and kerosene fumes, and are at risk of hurting their fingers with the tools used. Department of Labor and Employment: Occupational Safety and Health Center, *Consolidated Report 1998/1999*, Manila, 19-21.

²⁹¹⁸ ILO-IPEC, *Assessing the Situation of Children in the Production, Sales and Trafficking of Drugs in Indonesia, the Philippines, and Thailand*, project document, Geneva, September 17, 2002, 6-8. See also Magdalena Lepiten, *Children's Involvement in the Production, Sale and Trafficking of Drugs in Cebu City: A Rapid Assessment*, no. 22, ILO-IPEC, Geneva, February 2002.

²⁹¹⁹ ILO-IPEC, *Supporting the Time-Bound Program*, project document, 4-5.

²⁹²⁰ Alejandro W. Apit, *Child Recruitment and Some Most Hazardous Forms of Child Labor in the Philippines: A KDF's Experience*, Kamalayan Development Foundation, Inc., Manila, January 1998, 145-46.

²⁹²¹ The report alleges that some of these children are forced into bonded labor. U.S. Department of State, *Country Reports- 2001: Philippines*, 1148-53, Sections 6c and 6f. See also Department of Social Welfare and Development and UNICEF, *Commercial Sexual Exploitation of Children in the Philippines: A Situation Analysis (Executive Summary)*, 1999, 7-8. There are allegations of commercial sexual exploitation of girls on ships in Batangas Bay. See UN Commission on Human Rights, *Report of the Working Group on Contemporary Forms of Slavery on Its Twenty-Sixth Session*, E/CN.4/Sub.2/2001/30, United Nations, Geneva, July 16, 2001, paragraphs 51-52.

²⁹²² U.S. Department of State, *Trafficking in Persons Report- Philippines*. 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.

and armed opposition groups such as the Moro Islamic Liberation Front, the Abu Sayyaf Group and the New People's Army.²⁹²³

The Philippine Constitution mandates six years of compulsory primary education for children.²⁹²⁴ The Governance of Basic Education Act (Republic Act No. 9155) of 2001 formalized the structure of the Department of Education and outlined the roles and responsibilities of the national, regional and local levels of the administration. The Act also aims to improve the local relevance of education by expanding input into the system.²⁹²⁵ Primary and secondary schools do not charge tuition, although families must cover related costs such as transportation and supplies.²⁹²⁶ In 1998, the gross primary enrollment rate was 118.8 percent. The 1998 net primary enrollment rate was 95.7 percent, with 92.9 percent of girls enrolled versus 98.4 percent for boys.²⁹²⁷ The primary attendance rate in 1999 was approximately 86 percent.²⁹²⁸

Child Labor Laws and Enforcement

Republic Act No. 7658 of 1993 and the Labor Code of 1993 prohibit the employment of children under the age of 15, except when working directly with a parent and when the work does not interfere with schooling.²⁹²⁹ Additionally, it is permissible for a child to work as an apprentice at age 14.²⁹³⁰ The Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children between 15 and 18 years, and prohibits hazardous work for children less

²⁹²³ Coalition to Stop the Use of Child Soldiers, "Philippines," in *Global Report 2001*, 2001, [cited August 2, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/05eb2e51d3646e2480256b1e0056b53c?OpenDocument>. See also U.S. Department of State, *Country Reports- 2001: Philippines*, 1144-48, Section 5. See also Rufa Cagoco-Guiam, *Child Soldiers in Central and Western Mindanao: A Rapid Assessment*, no. 21, ILO-IPEC, Geneva, February 2002.

²⁹²⁴ The Philippine Constitution, Article XIV (1, 2), 1987, as cited in Feny de los Angeles-Bautista and Joanna C. Arriola, *To Learn and To Earn: Education and Child Labor in the Philippines*, *Working Paper Series on Child Labor* (Manila: ILO-IPEC, 1995), 2.

²⁹²⁵ Government of the Philippines, *Governance of Basic Education Act (Republic Act No. 9155)*, (2001)..

²⁹²⁶ In 2001, the government eliminated the practice of schools requesting a "voluntary contribution" during registration periods. U.S. Department of State, *Country Reports- 2001: Philippines*, 1144-48, Section 5. Republic Act No 6655 provides for a free secondary education. See "Republic Act No. 6655," in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001, 14-16.

²⁹²⁷ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

²⁹²⁸ Government of the Philippines, *Preliminary Report of the Multiple Indicator Cluster Survey (MICS) for the Philippines, 1999*, UNICEF, [cited November 12, 2002]; available from <http://www.childinfo.org/MICS2/newreports/philippines/philippines.htm>.

²⁹²⁹ *Philippines Labour Code*, [cited September 4, 2002]; available from <http://natlex.ilo.org/txt/E98PHL01.htm>. See also "Republic Act No. 7658 of 1993," in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001, 59-60.

²⁹³⁰ *Philippines Labour Code*, Article 59.

than 18 years of age.²⁹³¹ Policy Instruction No. 23 of 1977 prohibits night work for children under the age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 years from working after 10 p.m.²⁹³² Slavery and forced labor are prohibited under Articles 272 and 274 of the Revised Penal Code,²⁹³³ and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children from all forms of abuse, cruelty and exploitation and prohibits child prostitution and child trafficking.²⁹³⁴ The Revised Penal code also prohibits engaging in, profiting from or soliciting prostitution.²⁹³⁵

The DOLE is responsible for enforcing child labor laws through the labor standards enforcement offices.²⁹³⁶ However, child labor enforcement is weak due to a lack of resources, inadequate judicial infrastructure, low rates of convictions, and legislative shortcomings such as absence of coverage in the informal sector.²⁹³⁷

The Government of the Philippines ratified ILO Convention 138 on June 4, 1998, and ILO Convention 182 on November 28, 2000.²⁹³⁸

²⁹³¹ Ibid., Article 139. The Department of Labor and Employment's Order No. 4 of 1999 includes in the definition of "hazardous work" the handling of dangerous substances (e.g., adhesives used in footwear manufacture); work hazardous to morals (e.g., employment in dance halls); work that entails exposure to extreme elements of cold, heat, noise, or pressure (e.g., deep-sea diving and underground work); and work that is hazardous by its nature (e.g., mining, logging, and pyrotechnics production). See Government of the Philippines: Department of Labor and Employment, *Hazardous Work and Activities to Persons Below 18 Years of Age*, Department Order No. 04, 1999.

²⁹³² *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997), 71-72.

²⁹³³ Government of the Philippines, *Revised Penal Code*, Act No. 3815, as amended, Articles 272, 74 [cited August 8, 2002]; available from <http://www.protectionproject.org>.

²⁹³⁴ Government of the Philippines, *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act*, (Republic Act No. 7610 of 1992), Sections 2, 5, 7, [cited September 4, 2002]; available from <http://natlex.ilo.org/txt/E92PHL01.htm>.

²⁹³⁵ *Revised Penal Code*, Articles 202, 341.

²⁹³⁶ DOLE maintains inspection statistics that reflect a steady decline in violations of child labor laws from 1997 – 2001. U.S. Embassy- Manila, *unclassified telegram no. 5729*.

²⁹³⁷ U.S. Embassy- Manila, *unclassified telegram no. 5853*, September 11, 2000. Trafficking convictions are not common due to the judicial system's ineffectiveness. U.S. Department of State, *Trafficking in Persons Report- Philippines*. BWYW reported only 4 convictions on child labor violations since 1993. U.S. Embassy- Manila, *unclassified telegram no. 5729*. See also Joshua Dancel, "Stopping Child Labor Easier Said than Done," *The Manila Times* (Manila), September 6, 2002.

²⁹³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Poland

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

In January 2000, the Government of Poland created an Ombudsman for Children's Rights to guard the rights of children as provided in the Constitution, the Convention on the Rights of the Child and national laws.²⁹³⁹ These rights include the defense against violence, cruelty, exploitation, and actions that undermine a child's moral sense.²⁹⁴⁰ The Ombudsman has been active in a public information campaign on the hazards of children working in agriculture.²⁹⁴¹ The Ministry of Agriculture, Ministry of Education, State Labor Inspectorate (PIP), and Roman Catholic Church are working together to increase awareness of the hazards of child labor in rural communities.²⁹⁴²

The Government of Poland is currently developing a national plan to combat trafficking that coordinates the efforts of the government, the private sector and NGOs.²⁹⁴³ The government has also started a project against trafficking in persons in cooperation with the Global Programme Against Trafficking in Human Beings of the United Nations Office on Drugs and Crime. The goal of the project is to strengthen criminal justice responses to trafficking and to improve the cooperation among the criminal justice system, civil society and other organizations to prevent trafficking and control the involvement of organized crime. In addition, an important part of the project is to provide assistance to victims and witnesses of trafficking.²⁹⁴⁴ The government also cooperates with INTERPOL to address the issue of trafficking and organized crime.²⁹⁴⁵

²⁹³⁹ Government of Poland, *Law of 6 January 2000 on the Ombudsman for Children*, [cited August 22, 2002]; available from <http://www.brpd.gov.pl/law.html>. See also Under-Secretary of State at the Ministry of Labour and Social Policy and Head of the Polish Delegation, Krystyna Tokarska-Biernacik, Statement at the United Nations Special Session on Children, May 8-10, 2002, [cited December 31, 2002]; available from <http://www.un.org/ga/children/polandE.htm>.

²⁹⁴⁰ *Constitution of Poland*, Chapter 2, Article 72 [cited October 25, 2002]; available from <http://www.sejm.gov.pl/english/konstytucja/kon1.htm>.

²⁹⁴¹ U.S. Embassy- Warsaw, *unclassified telegram no. 4446*, October 2001.

²⁹⁴² Ibid.

²⁹⁴³ U.S. Department of State official, electronic communication to USDOL official, February 13, 2003.

²⁹⁴⁴ UNODC official, electronic communication to USDOL official, February 13, 2003. See also UN Office for Drug Control and Crime Prevention, *Trafficking in Human Beings: Pilot Projects: Central and Eastern Europe: the Czech Republic and Poland*, [online] [cited September 12, 2002]; available from http://www.odccp.org/odccp/trafficking_projects.html. The UN Office for Drug Control and Crime Prevention was renamed the UN Office on Drugs and Crime in October 2002. The UNODC's International Center for Crime Prevention is overseeing the project. See United Nations Information Service, *Press Briefing on UN Vienna Offices' Contribution to General Assembly Special Session on Children*, [online] May 8, 2002 [cited September 4, 2002]; available from <http://www.unis.unvienna.org/en/events/2002/summary08may02.htm>.

²⁹⁴⁵ UN Office for Drug Control and Crime Prevention, *The Case of Poland*, [online] [cited September 12, 2002]; available from http://www.odccp.org/odccp/trafficking_projects_poland.html.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Poland are unavailable. However, PIP reports an increase in the number of children working and an increase in labor violations by employers. Children have been found working in small businesses, factories and restaurants, and on farms.²⁹⁴⁶ There are also reports that girls are trafficked to and from Poland for the purpose of sexual exploitation. Girls trafficked into the country are generally from the Eastern European region, and include countries such as Belarus, Bulgaria, Romania, Russia, and Ukraine, and are disproportionately Turkish and Roma minorities. Other European countries, including Italy, Germany and the Czech Republic, tend to be destination states for children who are trafficked from Poland.²⁹⁴⁷ Other European countries, including Italy, Germany and the Czech Republic, tend to be destination states for children who are trafficked from Poland.²⁹⁴⁸

Education in Poland is compulsory to 18 years of age, and is free in public schools.²⁹⁴⁹ However, children living in rural areas and small towns are sometimes at a disadvantage when it comes to access to quality education.²⁹⁵⁰ In 1997, the gross primary enrollment rate was 97.7, and in 1996, the net primary enrollment rate was 96.5 percent.²⁹⁵¹ Primary school attendance rates are unavailable for Poland. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁹⁵²

Child Labor Laws and Enforcement

Article 190 of the Labor Code sets the minimum age of employment at 15 years.²⁹⁵³ Children 13 to 15 years of age may work under temporary, limited contracts with permission from their parents. Minors between 15 and 18 years have wider employment possibilities, but they may only be

²⁹⁴⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Poland*, Washington, D.C., March 4, 2002, 1679-83, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8321.htm>.

²⁹⁴⁷ Information on trafficking from the Polish National Police as cited in U.S. Department of State official, electronic communication, February 13, 2003. There were reports in early 2002 that children were trafficked from Poland to the Netherlands, Belgium and Switzerland. See U.S. Department of State, *Trafficking in Persons Report- 2002: Poland*, Washington, D.C., June 5, 2002, 83 [cited December 31, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3928.htm>. See also U.S. Department of State, *Country Reports- 2001: Poland*.

²⁹⁴⁸ Information from the Polish National Police as cited in U.S. Department of State official, electronic communication, February 13, 2003.

²⁹⁴⁹ *Constitution of Poland*, Chapter 2, Article 70.

²⁹⁵⁰ Statement at the United Nations Special Session on Children.

²⁹⁵¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁹⁵² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁹⁵³ 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, 462-67. See also *Order No. 278 of 28 May 1996 of the Council of Ministers concerning vocational training of young persons and their remuneration*, 1368-71 [cited January 2, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

employed upon completion of primary school and under non-hazardous work conditions.²⁹⁵⁴ Polish children below the age of 16 are banned from mining and most types of construction.²⁹⁵⁵ The Criminal Code bans work by children under the age of 16 in the production of pornographic films.²⁹⁵⁶

Polish law prohibits forced and bonded child labor.²⁹⁵⁷ Engaging in a sex act with a person under the age of 15 is a criminal offense in Poland, and carries a penalty of 1 to 10 years imprisonment. Leading an individual into prostitution by means of force, threat or by taking advantage of the dependence of a person is prohibited by Article 203 of the Criminal Code. Encouraging or promoting the prostitution of a person with the purpose of pecuniary gain is also considered criminal.²⁹⁵⁸ Efforts to combat trafficking include the implementation of revised anti-trafficking criminal statutes in 1998, with penalties of up to 10 years imprisonment.²⁹⁵⁹ However, foreigners trafficked into Poland have no legal status or public resources available to them, and they are often quickly deported to minimize the expense of keeping them in detention.²⁹⁶⁰ The PIP is responsible for all labor-related complaints, including those related to child labor, and PIP inspectors receive training in handling child labor issues.²⁹⁶¹ In 2001, the PIP conducted 1,375 investigations of underage employment, and levied fines that totaled 133,000 PLN (USD 34,000). Another 307 cases were sent to an administrative tribunal which can levy steeper fines. During the 2001 harvest, PIP found 2,400 children involved in harvesting. Fifty-four percent of these children were working in unsafe and harmful conditions.²⁹⁶²

The Government of Poland ratified ILO Convention 138 on March 22, 1978, and ratified ILO Convention 182 on August 9, 2002.²⁹⁶³

²⁹⁵⁴ ILO, *Review of Annual Reports*, 63.

²⁹⁵⁵ U.S. Embassy- Warsaw, *unclassified telegram no. 4446*.

²⁹⁵⁶ Ibid. See also Government of Poland, *Criminal Code*, Article 200 [cited December 18, 2002]; available from <http://www.protectionproject.org>.

²⁹⁵⁷ U.S. Department of State, *Country Reports- 2001: Poland*, 1679-83, Section 6d.

²⁹⁵⁸ *Criminal Code- Poland*, Articles 200, 03, and 04.

²⁹⁵⁹ U.S. Department of State, *Country Reports- 2001: Poland*, 1679-83, Section 6. See also *Criminal Code- Poland*, Article 203, para. 4.

²⁹⁶⁰ U.S. Department of State, *Country Reports- 2001: Poland*.

²⁹⁶¹ U.S. Embassy- Warsaw, *unclassified telegram no. 4446*.

²⁹⁶² U.S. Embassy- Warsaw, *unclassified telegram no. 4049*, November 2002.

²⁹⁶³ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Romania

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

The Government of Romania became a member of ILO-IPEC in 2000 and launched a National Action Program to Eliminate Child Labor.²⁹⁶⁴ As part of the national program, child labor units were formed within the Ministry of Labor and Social Protection's (MLSS) Labour Inspectorate and the National Authority for Child Protection and Adoption (NACPA), and a National Advisory Group on Child Labor was established.²⁹⁶⁵ Inter-sectoral County Teams responsible for developing plans to investigate and monitor the child labor situation have been established in 18 counties.²⁹⁶⁶ The government adopted the National Strategy for Child Protection for 2001-2004 and the Operational Plan for the Implementation of the Strategy, in which child laborers were recognized as a special target group of beneficiaries.²⁹⁶⁷ The National Institute of Statistics and Economic Studies began implementation of a national survey on child labor in 2000.²⁹⁶⁸ Data collection was finalized in 2002 and results are expected to be available in 2003.²⁹⁶⁹ In September 2002, the

²⁹⁶⁴ The ILO and the Government of Romania signed an MOU on June 9, 2000 that was extended in 2002 for a five-year period. ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania*, technical progress report, Geneva, September 2002, 2. See also ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania*, project document, Geneva, February 1999, revised May 1999.

²⁹⁶⁵ Members of the child labor units, police officers and labor inspectors have been trained on investigating and monitoring child labor activities. See ILO-IPEC, *Midterm Review: Country Program on Child Labor in Romania*, Bucharest, July 2001, Annex II, 2.1. The advisory group members include labor inspectors, teachers, social workers, trade unionists, employers and representatives from universities and NGOs. Members are activists and serve as resources on child labor matters. ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania*, technical progress report, 7.

²⁹⁶⁶ The teams include representatives of the Specialized Public Services for Child Protection, Territorial Labor Inspectorates, Country Police Inspectorates, School Inspectorates, NGOs, universities and others. ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania*, technical progress report, 7.

²⁹⁶⁷ The plan recommends improving the national legislation on the exploitation of children, diversifying the rehabilitation services provided for children, setting up monitoring mechanisms for children in difficult circumstances, implementing action programs to combat child labor, and providing training for the professionals working with children in difficulty. ILO-IPEC, *Midterm Review: Romania*, Annex II, 3.1. See also Government of Romania: National Authority for the Protection for the Child and Adoption, *Government Strategy Concerning the Protection of the Child in Difficulty (2001-2004)*, Bucharest, May 2001, 15.

²⁹⁶⁸ The survey is funded by USDOL and receives technical assistance from ILO-IPEC's SIMPOC. ILO-IPEC, *SIMPOC Progress Report*, Geneva, September 2002. A USDOL-funded study of street children in Bucharest was carried out in cooperation with Save the Children Romania in 2000. The survey received technical assistance from ILO-IPEC's SIMPOC as part of a project that conducted 38 rapid assessments of the worst forms of child labor in 19 countries and one border area. Gabriela Alexandrescu, *Romania: Working Street Children in Bucharest: A Rapid Assessment*, ILO-IPEC, Geneva, March 2002.

²⁹⁶⁹ ILO-IPEC, *SIMPOC Progress Report*.

government launched a supplementary nutrition program to provide milk and bread for all children attending primary school.²⁹⁷⁰

In 2001, the government established a National Task Force on Trafficking to coordinate efforts to prevent and combat the trafficking of persons, and an Inter-ministerial Committee on Trafficking of Human Beings.²⁹⁷¹ The government also approved a National Plan of Action Against Trafficking of Persons in 2001.²⁹⁷² The government provided space for a shelter for victims of trafficking in November 2001.²⁹⁷³ In addition, the government is working with international organizations and regional networks to implement anti-trafficking programs. The Southeast European Cooperative Initiative (SECI) Center in Bucharest has undertaken regional technical cooperation activities related to law enforcement and border police to combat trafficking.²⁹⁷⁴ IOM is the most active international organization supporting trafficking prevention activities, and other organizations such as UNICEF, UNDP and local NGOs are also working to combat trafficking.²⁹⁷⁵

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Romania are unavailable.²⁹⁷⁶ The majority of children work in agriculture, with fewer children working in trade and/or services, and outside the family home.²⁹⁷⁷ In 2000, the NACPA estimated that there were 2,500 to 3,500

²⁹⁷⁰ The school feeding program was established under Government Order No. 96/2002. ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania, technical progress report*, 2. It is reported that some teachers say this is a powerful incentive for some at-risk children in rural areas to attend school. See U.S. Embassy-Bucharest, *unclassified telegram no. 4461*, November 2002.

²⁹⁷¹ The Committee includes representation from the Ministries of Interior, Justice, Education and Research, Labor and Social Solidarity, The Prosecutor's Office, and international and local NGOs. The National Plan of Action focuses on law enforcement and legal reform, and includes activities and cooperation of all relevant government and NGO institutions in areas of research, prevention, awareness raising and assistance. See UNICEF, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 41-42.

²⁹⁷² Romanian Government's Decision 1216/2001 as cited in Romania Mission Geneva, *Progress Report on the Measures Taken by the Romanian Authorities to Combat Trafficking of Human Beings*, United Nations, February 25, 2002, [cited October 10, 2002]; available from <http://missions.itu.int/~romania/strategies/index.html>.

²⁹⁷³ The Ministry of Interior provided the shelter space, IOM funded the refurbishment of the shelter and a local NGO, Estuar Foundation, manages the premises. UNICEF, *Trafficking in Human Beings*, 46.

²⁹⁷⁴ *Ibid.*, 49. SECI member states include Albania, Bosnia-Herzegovina, Greece, Moldavia, FYR of Macedonia, Hungary, Bulgaria, Croatia, Turkey, Slovenia and Romania. See Romania Mission Geneva, *Progress Report on the Measures Taken*, [cited October 3, 2002].

²⁹⁷⁵ UNICEF, *Trafficking in Human Beings*, 44-46. IOM's Counter-trafficking Information Campaign launched in 2000 to raise awareness about the dangers of irregular migration and trafficking has reached more than 1.6 million persons nationwide. See IOM Press Briefing Notes, April 2, 2002, via email.

²⁹⁷⁶ Romania does not collect labor force statistics for children under the age of 15. ILO, *Laborstat Database of Labor Statistics*, [database online] [cited November 14, 2002]; available from <http://laborsta.ilo.org/applv8/data/ssm3/e/RO.html>.

²⁹⁷⁷ A 1997 survey by Save the Children Romania revealed that among children living with their families, 8.3 percent of children who attend primary school also work, primarily in agriculture along with their parents. See Save the Children Romania, *Child Labor in Romania*, 1997, 1.

street children.²⁹⁷⁸ According to a study on street children in Bucharest, 62.7 percent of those interviewed dropped out of school.²⁹⁷⁹ Street children are found begging, washing and parking cars, selling merchandise, performing household work, collecting waste products, loading and unloading merchandise, stealing, and engaging in prostitution.²⁹⁸⁰ It is estimated that about 30 percent of sex workers in Bucharest are under 18 years of age.²⁹⁸¹ There are indications that Romanian teenage boys are involved in the sex trade in the countries of Western Europe.²⁹⁸² Romania is a country of origin and transit for internationally trafficked women and girls.²⁹⁸³ Girls as young as 14 have been trafficked.²⁹⁸⁴ The majority of trafficking cases in which IOM has assisted involve victims who were trafficked to the Balkans.²⁹⁸⁵ Forty-six percent of these victims originated from the Moldova region of Romania.²⁹⁸⁶

The Constitution states that children have a right to a free public education.²⁹⁸⁷ The Education Law No. 84/1995 was modified by Education Law 151/1999 to increase compulsory education to nine years.²⁹⁸⁸ Article 20 of the Education Law stipulates that there is a possibility to organize special classes for children who have not finished the first four grades by the age of 14.²⁹⁸⁹ In 1998, the gross primary enrollment rate was 102.9 percent, and the net primary enrollment rate was

²⁹⁷⁸ Catalin Zamfir et al., *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action* (Bucharest: Research Institute for the Quality of Life, 2001), 16. According to estimates of a national study of the Homeless Children's Situation (1998-1999), more than half (approximately 2,000) the number of children permanently living on the streets and children begging in the streets are in Bucharest, as cited in Alexandrescu, *Romania: Working Street Children*, 15.

²⁹⁷⁹ One-hundred and fifty children were interviewed. Alexandrescu, *Romania: Working Street Children*, 27-29.

²⁹⁸⁰ Ibid., 27-28.

²⁹⁸¹ UNICEF, *Trafficking in Human Beings*, 38.

²⁹⁸² Ibid.

²⁹⁸³ Romania Mission Geneva, *Progress Report on the Measures Taken*.

²⁹⁸⁴ Of 401 cases of trafficked victims receiving assistance from IOM between January 2000 and December 2001, 83 were children between the ages of 15 and 17 years, and six were 14 years old or younger. International Organization for Migration, *Counter-Trafficking CT, 2000-2001 Programme of Assistance to Victims of Trafficking in Human Beings and Prevention of Trafficking in Human Beings in Romania*, [cited October 3, 2002]; available from http://www.oim.ro/en/trafic_stat.php. See also Romania Mission Geneva, *Progress Report on the Measures Taken*.

²⁹⁸⁵ IOM has assisted both women and girls who had been trafficked. Between January 2000 and December 2001, 29 percent were returned to Romania from Bosnia-Herzegovina, 26 percent from FYR Macedonia, 17 percent from Albania, 14 percent from Kosovo, 6 percent from Italy and other countries, and 2 percent from Cambodia. International Organization for Migration, *Counter-Trafficking CT*.

²⁹⁸⁶ Ibid.

²⁹⁸⁷ *Constitution of Romania*, (December 8, 1991), Article 32 [cited September 18, 2002]; available from http://www.uni-wuerzburg.de/law/ro00000_.html.

²⁹⁸⁸ Alexandrescu, *Romania: Working Street Children*, 9. See also 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 3.2 [cited October 3, 2002]; available from <http://www2.unesco.org/wef/countryreports/romania/contents.html>.

²⁹⁸⁹ Alexandrescu, *Romania: Working Street Children*, 9.

94.5 percent.²⁹⁹⁰ Attendance rates for Romania are not available. While enrollments rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁹⁹¹ School participation is significantly lower among ethnic Roma children.²⁹⁹²

Child Labor Laws and Enforcement

The Constitution sets the minimum age of employment at 15 years, and the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk are prohibited.²⁹⁹³ The Labor Code stipulates that young persons ages 15 and 16 can be employed with the consent of their parents or legal guardian on the condition that the work performed is in accordance with their health and abilities and does not interfere with their education.²⁹⁹⁴ According to Article 155 of the General Norms of Labor Protection, children under the age of 16 cannot be used for loading, unloading and handling operations.²⁹⁹⁵ Children employed under the age of 18 may not be placed in hazardous work places and may not be made to work at night or beyond the legal duration of a working day (eight hours) except in emergencies.²⁹⁹⁶ The Constitution prohibits forced labor.²⁹⁹⁷ Article 19 of the Labor Code punishes forcing an individual to work against their will with six months to three years imprisonment.²⁹⁹⁸

Article 191 of the Criminal Code outlaws the act of submitting a person to labor against his or her will, outlaws mandatory labor, and prohibits individuals from prostituting children.²⁹⁹⁹ The government adopted Law No. 678/2001 on preventing and combating trafficking in human beings, which, among other stipulations, protects children under the age of 19 years from being trafficked

²⁹⁹⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁹⁹¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁹⁹² The Roma constitute a large ethnic minority in Romania. Pop and Voicu, in *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action*, ed. Catalin Zamfir et al. Bucharest: Research Institute for the Quality of Life, 2001, 30. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Romania*, Washington, D.C., March 4, 2002, 1701-06, Section 5 [cited December 31, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8327.htm>.

²⁹⁹³ *Constitution of Romania*, Article 45 (3) and (4).

²⁹⁹⁴ Government of Romania: Ministry of Labour and Social Solidarity Labor Inspection, *National Legislation on Child Labor*, 2001, published as part of the Labor Inspection's National Campaign on the Elimination of Child Labor.

²⁹⁹⁵ Ibid.

²⁹⁹⁶ National Agency for the Protection of Children's Rights on the Romanian Government, *Romania's Periodic Progress Report on the Implementation of the UN Convention on the Rights of the Child*, Section 8.3.

²⁹⁹⁷ *Constitution of Romania*, Article 39 (1).

²⁹⁹⁸ Failure to observe the legal provisions on labor protection is punishable from three months to two years, or money penalties, if this leads to danger of work-related accidents or sickness. See the Labor Code as cited in Alexandrescu, *Romania: Working Street Children*, 10.

²⁹⁹⁹ National Agency for the Protection of Children's Rights on the Romanian Government, *Romania's Periodic Progress Report*, Section 8.3.

and applies more severe punishments when the child is under 15 years of age.³⁰⁰⁰ Article 18 of Law 678 also criminalizes child pornography.³⁰⁰¹ Police investigated 391 persons in cases related to trafficking in 2001.³⁰⁰²

Enforcement of labor laws that protect children falls under the mandate of the MLSS' Labour Inspectorate (established under Law No. 108/1999).³⁰⁰³ The MLSS, the Ministry of Health and Family, the Ministry of Education and Research, and the NACPA are responsible for supervising the observance of norms regarding child protection.³⁰⁰⁴ In 2001, 8 children under 15 and 55 children ages 15-18 were identified as working illegally.³⁰⁰⁵

The Government of Romania ratified ILO Convention 138 on November 19, 1975, and ILO Convention 182 on December 13, 2000.³⁰⁰⁶

³⁰⁰⁰ Eric Barboriak, U.S. Department of State official, electronic communication to USDOL official, May 2, 2002.

³⁰⁰¹ Ibid. Traffickers can be prosecuted under the relevant provisions of the Law 678/2001 (article 12 and 13) and under the Criminal Code (Articles 328, 329, 189, 190, 197, 198, 201, 202, and 203). See Romania Mission Geneva, *Progress Report on the Measures Taken*.

³⁰⁰² Upon investigation, police found 336 crimes had been committed, including sexual exploitation of individuals and prostitution in Romania and abroad; one prostitution network was dismantled in Italy. Romania Mission Geneva, *Progress Report on the Measures Taken*, 2-3.

³⁰⁰³ Government of Romania Ministry of Labor and Social Protection, *Combating the Worst Forms of Child Labor*, September 25, 2000.

³⁰⁰⁴ Alexandrescu, *Romania: Working Street Children*, 9.

³⁰⁰⁵ U.S. Embassy- Bucharest, *unclassified telegram no. 4461*.

Russia

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

The Government of Russia is an associated member of ILO-IPEC.³⁰⁰⁷ In January 2000, the government began working with ILO-IPEC on a three-year project to rehabilitate working street children in St. Petersburg.³⁰⁰⁸ ILO-IPEC officials conducted awareness raising workshops for local government officials, organized an action committee that developed recommendations for city government action,³⁰⁰⁹ established teacher training in schools with high dropout rates, and directed families with at-risk children to existing services.³⁰¹⁰ In 2001, Russia's Ministry of Labor worked with ILO-IPEC to conduct studies on the situation of street children in Moscow and the Leningrad Oblast region.³⁰¹¹ In 2002, President Vladimir Putin called for immediate measures to address the problem of working street children, and the Ministry of Labor established a hotline for reporting cases of child abuse, including the problem of street children.³⁰¹² Also in 2002, the Governor of St. Petersburg, a trade union federation and employers signed an agreement aimed at eliminating the worst forms of child labor.³⁰¹³ The government has developed a National Plan of Action on children's rights,³⁰¹⁴ and has a federal commission headed by the Minister of Labor that focuses on child labor and education issues.³⁰¹⁵

The government is strengthening the education system to ensure that children have access to high quality education.³⁰¹⁶ Its education strategy is contained in the Education Law and the Federal Program for Education Development, which emphasize curricular diversity, management

³⁰⁰⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited September 5, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

³⁰⁰⁷ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, 2002, 16.

³⁰⁰⁸ U.S. Consulate- St. Petersburg, *unclassified telegram no. 1504*, July 17, 2002.

³⁰⁰⁹ The action committee consists of trade union, police, academic, employer and NGO representatives. See Ibid.

³⁰¹⁰ The project also provides rehabilitation for young girls living on the street and food, health care, shelter, and other necessities to street children. U.S. Embassy- Moscow, *unclassified telegram no. 15215*, October 2002.

³⁰¹¹ Ibid.

³⁰¹² Ibid.

³⁰¹³ Ibid.

³⁰¹⁴ Valentina Matvienko, Deputy Prime Minister, Statement at the United Nations Special Session on Children, May 10, 2002, [cited September 18, 2002]; available from <http://www.un.org/ga/children/russiaE.htm>. See also U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁰¹⁵ In addition to government efforts to assist children at risk of working or living on the street, USAID is working with international and NGOs on an "Assistance to Russian Orphans" project that seeks to prevent child abandonment, promote policy change and increase public awareness on the problems of orphans. U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁰¹⁶ World Bank, *Education Innovation Project*, staff appraisal report, Washington, D.C., May 6, 1997, 6, [cited September 18, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P008825>.

decentralization, diversification of education financing, and the development of monitoring mechanisms.³⁰¹⁷ In 2001, the government received World Bank financing for an Education Reform Project to improve general and vocational education and to enhance public educational spending.³⁰¹⁸ A World Bank project that started in 1997 is addressing social science education and textbook availability.³⁰¹⁹

Incidence and Nature of Child Labor

Recent statistics on the number of working children under the age of 15 in Russia are unavailable. The breakup of the Soviet Union and the transition to a market economy increased poverty levels in Russia, and in 2002, the World Bank found that children have a higher poverty rate than the population as a whole.³⁰²⁰ There are reports that economic downturn and an increase in the divorce rate in Russia have led to an increase in the number of street children in the country.³⁰²¹ Estimates of the number of street children range from 100,000 to 150,000, with possibly 3 million additional children at risk of living on the streets.³⁰²² A 2001 ILO-IPEC survey estimated there were between 30,000 and 50,000 street children in Moscow alone.³⁰²³ Children work in retail services, apprenticeships, as couriers, trash collectors, and deliverers.³⁰²⁴ Children also work washing cars, in garages, trading and selling at kiosks and markets, and loading and guarding goods.³⁰²⁵ Children in Russia are engaged in prostitution and are trafficked for sexual exploitation from Russia to various European countries, the Middle East and North America.³⁰²⁶ Street children are

³⁰¹⁷ Ibid., 6.

³⁰¹⁸ World Bank, *Education Reform Project*, project appraisal document, Washington, D.C., April 30, 2001, 4, [cited September 18, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050474>.

³⁰¹⁹ World Bank, *Education Innovation Project*, staff appraisal report, 7.

³⁰²⁰ World Bank, *Memorandum of the President of the International Bank for Reconstruction and Development and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy of the World Bank Group for the Russian Federation*, Report No: 24127-RU, Washington, D.C., May 14, 2002, 1 and 3, [cited September 19, 2002]; available from <http://www.worldbank.org.ru/eng/group/strategy3/>.

³⁰²¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Russia*, Washington, D.C., March 4, 2002, 1745-52, Section 5 [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8331.htm>. See also ILO, *Working Street Children in Moscow (Draft)*, Moscow, March 2002.

³⁰²² World Bank, *Memorandum of the President*, 4. See U.S. Department of State, *Country Reports- 2001: Russia*, 1745-52, Section 5, which estimates that 50,000 children a year run away from home. 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, 3, [cited September 19, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/f60a0928c30f787980256811003b8d5d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f60a0928c30f787980256811003b8d5d?Opendocument).

³⁰²³ ILO, *Working Street Children*, 17.

³⁰²⁴ Ibid., 29.

³⁰²⁵ "Little Slaves of A Big City," *St. Petersburg Express* (St. Petersburg), September 2, 2002. See Institute for Global Ethics, *As Russian Economy Crumbles, Children Join Ranks of Working Poor*, Ethics Newsline (citing BBC news report), 1999 [cited September 17, 2002]; available from <http://www.globalethics.org/newsline/news11.html>.

³⁰²⁶ See U.S. Department of State, *Country Reports- 2001: Russia*, 1752-60, Sections 6d and 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Russia*, Washington, D.C., June 5, 2002, 88 [cited December 18, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>.

involved in pornography.³⁰²⁷ There are also reports of children fighting alongside rebels in Dagestan and Chechnya.³⁰²⁸

Primary education is free until age 15, but the Law on Education allows a child to finish school at the age of 14 with parental and government approval.³⁰²⁹ Most families pay additional fees for books and school supplies.³⁰³⁰ There are no primary school enrollment or attendance rates available for Russia, but truancy is reportedly a growing problem.³⁰³¹

Child Labor Laws and Enforcement

The new Labor Code sets the minimum age for regular employment at 16 years, and regulates the working conditions of children under 18, including bans on overtime, hazardous work and night work.³⁰³² Children may work in apprenticeship and internship programs at age 14 and 15 with parental approval, as long as such programs do not threaten their health and welfare.³⁰³³ The Constitution prohibits forced labor.³⁰³⁴ Article 151 of the Criminal Code prohibits coercion of a minor to engage in prostitution and Article 135 of the Code prohibits acts of perversion against children under the age of 14; Article 135 has been used to prosecute child pornographers.³⁰³⁵ There are no laws against trafficking in persons.³⁰³⁶

The Ministries of Labor and the Interior are responsible for child labor enforcement but do not effectively enforce these laws due to a lack of resources³⁰³⁷ and the informal nature of most child

³⁰²⁷ Irina Sandul, "Russia's Trade in Child Pornography," *The Russia Journal*, February 1, 2002, [cited September 17, 2002]; available from <http://www.trj.ru/index.hem?obj=5472&sid=8112922301749522702010298>. According to Sandul, Russia's age of legal consent is 14, allowing a child pornography industry to be established using children aged 15-16. See "Duma Votes to Tighten Child Sex Laws," *The Russia Journal* (citing Reuters), June 27, 2002, [cited September 17, 2002]; available from <http://www.trj.ru/index.htm?obj=8326&sid=8112922301749522702010298>.

³⁰²⁸ Coalition to Stop the Use of Child Soldiers, "Russia Federation," in *Global Report 2001*, 2001, [cited September 18, 2002]; available from <http://library.amnesty.it/cs/childsolderis.nsf>. See also UN Committee on the Rights of the Child, *Concluding Observations*, 3.

³⁰²⁹ Although no law exists to make education compulsory, the Constitution holds parents responsible for ensuring their children receive basic education. U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁰³⁰ Ibid.

³⁰³¹ Ibid.

³⁰³² U.S. Department of State, *Country Reports- 2001: Russia*, 1752-60, Section 6d. This labor code came into force on February 1, 2002. See U.S. Department of State official, electronic communication to USDOL official, November 29, 2002.

³⁰³³ U.S. Department of State, *Country Reports- 2001: Russia*.

³⁰³⁴ *Constitution of the Russian Federation*, Article 37, [cited September 17, 2002]; available from <http://www.friends-partners.org/oldfriends/constitution/russian-constitution.html>.

³⁰³⁵ U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁰³⁶ Donna M. Hughes, *Trafficking for Sexual Exploitation: The Case of the Russian Federation*, June 2002, 24, [cited September 19, 2002]; available from <http://www.iom.int/documents/publication/en/mrs%5F7%5F2002.pdf>. See also U.S. Department of State, *Country Reports- 2001: Russia*, 1752-60, Section 6f.

³⁰³⁷ U.S. Department of State, *Country Reports- 2001: Russia*, 1752-60, Section 6d.

labor in Russia.³⁰³⁸ The Minister of Labor reported that 12,000 child labor violations were registered and 16,500 criminal cases opened in connection with child labor violations in 2001.³⁰³⁹ The government reported to the ILO that children were often engaged in harmful and hazardous work, and that 2,300 child labor inspections identified and addressed 8,000 violations in 1999.³⁰⁴⁰ Child labor inspections are complaint-driven.³⁰⁴¹

The Government of Russia ratified ILO Convention 138 on May 3, 1979, but has not ratified ILO Convention 182.³⁰⁴²

³⁰³⁸ U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁰³⁹ Oksana Yablokova, "50,000 Children in City Workforce," *The Moscow Times*, 2002, copyright 2002 by The Independent Press [cited September 17, 02]; available from <http://www.globalmarch.org/clns/daily-news/may-2002/may-17-2002-2.htm>.

³⁰⁴⁰ ILO, *Individual Observations of the Committee of Experts on the Application of Conventions and Recommendations: Individual Observation Concerning Convention No. 138*, Geneva, 2001, [cited September 17, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

³⁰⁴¹ U.S. Embassy- Moscow, *unclassified telegram no. 17925*, September 2000.

³⁰⁴² ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited September 17, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Rwanda

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

The Government of Rwanda is participating in a regional, four-year ILO-IPEC program funded by USDOL that is designed to prevent the involvement of children in armed conflicts in Central Africa.³⁰⁴³ In August 2001, UNICEF, along with the International Committee for the Red Cross, the World Food Programme, the International Rescue Committee, and Save the Children (UK), set up a rehabilitation center to care for, rehabilitate and reintegrate former child soldiers in Rwanda.³⁰⁴⁴

In 2000, Rwanda's Ministry of Education, in conjunction with the World Bank, initiated a five-year, USD 35 million program to build capacity in the educational sector.³⁰⁴⁵ The program includes components designed to construct new schools, increase access to primary schools, improve the quality of education, improve teacher training and curriculum development, increase textbook availability, strengthen the administration of the educational system, and increase community involvement in the rehabilitation of the educational system.³⁰⁴⁶

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 41.4 percent of children ages 10 to 14 years in Rwanda were working.³⁰⁴⁷ Most children work in the agricultural sector.³⁰⁴⁸ A study by the Ministry of Labor and UNICEF estimated that 2,140 girls are engaged in prostitution in urban areas.³⁰⁴⁹ Rwandan

³⁰⁴³ The first phase of the project ended in 2002. The second phase of the project is estimated to be completed in three years. 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)*, project document, Geneva, July, 2001, 1. See also ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, technical progress report, Geneva, September 15, 2002.

³⁰⁴⁴ UNICEF, *Hundreds of Ex-Child Soldiers Begin Rehabilitation in Rwanda- Newly Demobilized Children Get Trauma Counselling While Families Are Traced*, August 20, 2001, [cited December 18, 2002]; available from http://www.hri.ca/children/conflict/rwanda_200801.htm. As of June 10, 2002, the program had reunited 328 child soldiers with their families. See Integrated Regional Information Networks, "Rwanda: Interview with UNICEF representative Theophane Nikyema", IRINnews.org, [online], June 10, 2002 [cited October 10, 2002]; available from http://www.irinnews.org/report.asp?ReportID=28223&SelectRegion=Great_Lakes&SelectCountry=RWANDA.

³⁰⁴⁵ World Bank, *Rwanda- Human Resources Development Project*, project appraisal document, no. 19990-Rw, Washington, D.C., May 8, 2000, 1 [cited December 18, 2002]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_00051905304940.

³⁰⁴⁶ Ibid.

³⁰⁴⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁰⁴⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Rwanda*, Washington, D.C., March 4, 2002, 549-50, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8398.htm>.

³⁰⁴⁹ Integrated Regional Information Networks, "Rwanda: Interview".

children have reportedly served as soldiers in several regional conflicts. Children have reportedly served in Rwanda's official paramilitary Local Defense Force and with forces opposing the Government of Rwanda.³⁰⁵⁰ Child soldiers have also been recruited by Rwandan-based groups engaged in combat against the governments of the Democratic Republic of the Congo (DRC) and Burundi.³⁰⁵¹ Rwandan army soldiers reportedly helped the Congolese Rally for Democracy (RCD) abduct and forcibly recruit children to serve in the RCD armed forces in the DRC.³⁰⁵² Some children have reportedly joined the Rwandan army where they performed non-military tasks.³⁰⁵³

Primary education in Rwanda is compulsory from the ages of 7 to 12 years.³⁰⁵⁴ Families must pay fees to enroll their children in school, though fees are waived for orphans.³⁰⁵⁵ In 1998, the gross primary enrollment rate was 114.4 percent, and the net primary enrollment rate was 90.9 percent.³⁰⁵⁶ According to UNICEF, almost one-third of Rwanda's 700,000 children have little or no access to quality and equitable education.³⁰⁵⁷ Of the children who enter the first grade, 76 percent reach the fifth grade.³⁰⁵⁸ There is a high dropout and repetition rate among primary school children.³⁰⁵⁹ Public schools lack basic supplies and cannot accommodate all primary age school children, and private schools are inaccessible or too costly for the majority of the population.³⁰⁶⁰ Attendance rates are not available for Rwanda. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁰⁶¹

³⁰⁵⁰ Coalition to Stop the Use of Child Soldiers, "Rwanda," in *Global Report 2001*, 2001, [cited November 21, 2002]; available from <http://www.child-soldiers.org>. The rebel Rwandan Liberation Army (ALIR) reportedly had several hundred child soldiers in their ranks, some of whom served in combat. See Human Rights Watch, "Rwanda: Human Rights Developments," in *World Report 2002*, 2002, [cited October 10, 2002]; available from <http://www.hrw.org/wr2k2/africa9.html#developments>.

³⁰⁵¹ Coalition to Stop the Use of Child Soldiers, "Rwanda." Human Rights Watch, "World Report 2002: Rwanda."

³⁰⁵² Human Rights Watch, "World Report 2002: Rwanda."

³⁰⁵³ U.S. Department of State, *Country Reports- 2001: Rwanda*, 548-49, Section 5.

³⁰⁵⁴ Government of Rwanda: Ministry of Finance and Economic Planning, *Enquete à Indicateurs Multiples (MICS2) Rapport Preliminaire: Rwanda*, Kigali, January 11, 2001, 8.

³⁰⁵⁵ U.S. Department of State, *Country Reports- 2001: Rwanda*, 548-49, Section 5.

³⁰⁵⁶ World Bank, *World Development Indicators 2002*.

³⁰⁵⁷ Integrated Regional Information Networks, "Rwanda: UNICEF Lays Out Humanitarian Action Plan For 2002", [online], November 29, 2001 [cited December 18, 2002]; available from http://www.irinnews.org/report.asp?ReportID=16535&SelectRegion=Great_Lakes&SelectCountry=RWANDA.

³⁰⁵⁸ Government of Rwanda: Ministry of Finance and Economic Planning, *Enquete à Indicateurs Multiples (MICS2)*, 8.

³⁰⁵⁹ *Ibid.*, 4.

³⁰⁶⁰ U.S. Department of State, *Country Reports- 2001: Rwanda*, 548-49, Section 5.

³⁰⁶¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

Child Labor Laws and Enforcement

The minimum age for full-time employment is 18 years and 14 years for apprenticeships if the child has completed primary school.³⁰⁶² Children under 18 cannot work without permission from parents or guardians and may not work at night.³⁰⁶³ Neither forced nor bonded labor by children, nor trafficking, is specifically prohibited.³⁰⁶⁴ Under Article 374 of the Criminal Code, trafficking is an aggravated offense, with a doubled penalty for delivering a minor into prostitution upon entering or exiting the country.³⁰⁶⁵ Legislation from 1977 sets the minimum voluntary age for military service at age 16.³⁰⁶⁶ The Ministry of Public Service and Labor does not effectively enforce these laws in part because of the large number of children who are heads of household.³⁰⁶⁷

The Government of Rwanda ratified ILO Convention 138 on April 15, 1981, and ILO Convention 182 on May 23, 2000.³⁰⁶⁸

³⁰⁶² U.S. Department of State, *Country Reports- 2001: Rwanda*, 549-50, Section 6d.

³⁰⁶³ Ibid.

³⁰⁶⁴ Ibid. See also Human Rights Internet (HRI), "Rwanda: Thematic Reports," in *For the Record 2000: The United Nations Human Rights System*, 2000, [cited December 18, 2002]; available from <http://www.hri.ca/fortherecord2000/vol2/rwandatr.htm>.

³⁰⁶⁵ According to the Protection Project, prostitution and compelling another person to become engaged in prostitution are prohibited by Articles 363-365 of the Criminal Code. Punishment for these crimes is imprisonment for up to 5 years and a fine. Protection Project, "Rwanda," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2002, [cited December 18, 2002]; available from <http://209.190.246.239/ver2/cr/Rwanda.pdf>.

³⁰⁶⁶ Global March Against Child Labor, *The Worst Forms of Child Labour: Rwanda*, [online] [cited December 18, 2002]; available from <http://www.globalmarch.org/worstformsreport/world/rwanda.html>.

³⁰⁶⁷ U.S. Department of State, *Country Reports- 2001: Rwanda*, 549-50, Section 6d.

³⁰⁶⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 21, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Saint Kitts and Nevis

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

The Government of St. Kitts and Nevis is working to improve primary education through construction and expansion of school buildings, revision of the primary curriculum, and by funding textbooks and paying school fees for students' external examinations.³⁰⁶⁹ In 1997, a curriculum Development Unit was established. In 1998, a Teacher Resource Center was established, and primary school children now receive a hot lunch.³⁰⁷⁰ In 1998, public expenditures on primary education were 36.7 percent of total public expenditures on education and 1.7 percent of GNP.³⁰⁷¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in St. Kitts and Nevis are unavailable, and limited information is available on the incidence and nature of child labor. Children work in agriculture and domestic service, usually to help their families.³⁰⁷² There are no reported cases of forced or bonded child labor.³⁰⁷³

Education is compulsory between the ages of 5 and 16 years.³⁰⁷⁴ In 1997 to 1998, the gross primary enrollment rate was 97.6 percent, and the net primary enrollment was 88.6 percent.³⁰⁷⁵ Attendance rates are not available for Saint Kitts and Nevis. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁰⁷⁶ Primary schools suffer from a high dropout rate and poor reading ability for males, high truancy, lack of relevant learning material, an insufficient number of trained and qualified teachers, and outdated teaching methods.³⁰⁷⁷

³⁰⁶⁹ UNESCO, *Education for All 2000 Assessment: Country Reports- Saint Kitts and Nevis*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999, [cited December 18, 2002]; available from http://www2.unesco.org/wef/countryreports/st.kitts_nevis/contents.html.

³⁰⁷⁰ Ibid.

³⁰⁷¹ Ibid.

³⁰⁷² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Saint Kitts and Nevis*, Washington, D.C., March 4, 2002, 3031-32, Section 6d [cited December 31, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8258.htm>.

³⁰⁷³ Ibid., 3031-32, Section 6c.

³⁰⁷⁴ Government of Saint Kitts and Nevis, *The Education Act of 1976*, definition of "compulsory school age," as cited in Labour Officer Le-roy Richards, facsimile communication to USDOL official, November 2001.

³⁰⁷⁵ UNESCO, *EFA Country Report: Saint Kitts and Nevis*.

³⁰⁷⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁰⁷⁷ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Saint Kitts and Nevis*, CRC/C/15/Add.104, Geneva, August 24, 1999, [cited September 4, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/b5d52fb968f8571a80256797004a6e81?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/b5d52fb968f8571a80256797004a6e81?OpenDocument).

Child Labor Laws and Enforcement

The Constitution prohibits slavery, servitude and forced labor.³⁰⁷⁸ The Employment of Children Ordinance sets the minimum legal working age at 12 years.³⁰⁷⁹

The Department of Labor in St. Kitts and Nevis is responsible for investigating child labor complaints.³⁰⁸⁰ The Labor Ministry relies on school truancy officers and its community affairs division to monitor compliance with child labor provisions.³⁰⁸¹ To date, no cases of child labor violations have been brought to the attention of the ministry.³⁰⁸²

The Government of St. Kitts and Nevis has not ratified ILO Convention 138. It ratified ILO Convention 182 on October 12, 2000.³⁰⁸³

³⁰⁷⁸ *Constitution of Saint Christopher and Nevis*, 1983, Article 6, (June 22, 1983), [cited December 31, 2002]; available from <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Kitts/stkitts-nevis.html>.

³⁰⁷⁹ U.S. Department of State, *Country Reports- 2001: Saint Kitts and Nevis*, 3031-32, Section 6d.

³⁰⁸⁰ U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*, September 2001.

³⁰⁸¹ U.S. Department of State, *Country Reports- 2001: Saint Kitts and Nevis*, 3031-32, Section 6d.

³⁰⁸² U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*.

³⁰⁸³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Saint Lucia

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

The Government of St. Lucia adopted a national plan of action in 1991 for the survival, protection, and development of children, but has not implemented effective programs to fulfill its mandate.³⁰⁸⁴ From 1995 to 2000, the government undertook a Basic Education Reform Project with support from the World Bank to increase the efficiency and effectiveness of the education system, and enhance access to educational opportunities.³⁰⁸⁵

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Saint Lucia are unavailable. Children are found working in rural areas, where they help on family farms. Children also work in urban food stalls and as street traders during non-school and festival days.³⁰⁸⁶

In 1999, UNICEF estimated that the gross primary school enrollment rate was 121 percent.³⁰⁸⁷ Attendance rates are not available for Saint Lucia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁰⁸⁸ In 1997-99, approximately 25 percent of the national recurrent budget was allocated to education, with primary education receiving a 41.1 percent share of the education allocation.³⁰⁸⁹ Only about one-half of primary school children continue on to secondary school.³⁰⁹⁰

³⁰⁸⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Saint Lucia*, Washington, D.C., March 4, 2002, 3035-36, Section 5 [cited September 4, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8254.htm>.

³⁰⁸⁵ World Bank, *Basic Education Reform Project*, online, Washington, D.C., [cited September 5, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P038698>.

³⁰⁸⁶ U.S. Department of State, *Country Reports- 2001: Saint Lucia*, 3036-37, Section 6d.

³⁰⁸⁷ UNICEF, *Statistical Data- Saint Lucia*, [online] [cited September 4, 2002]; available from http://www.unicef.org/statis/Country_1Page160.html. Current net primary enrollment statistics are unavailable for Saint Lucia. In 1993, the World Bank Mission estimated that the net primary enrollment rate was 98 percent. UNESCO, *Education for All 2000 Assessment: Country Reports- Saint Lucia*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, Section 2.12 [cited September 4, 2002]; available from http://www2.unesco.org/wef/countryreports/saint_lucia/rapport_2.html.

³⁰⁸⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁰⁸⁹ UNESCO, *EFA 2000 Assessment: Saint Lucia*, Section 2.5.

³⁰⁹⁰ Ibid. See also U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*, September 2001.

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children Law sets 14 years as the minimum age for employment, 18 years in industrial settings, and prohibits night work for children under 16 years.³⁰⁹¹ The Education Act of 1999 sets the minimum age for employment at 16 years during the school year.³⁰⁹² The constitution prohibits slavery, servitude, or forced labor, except for labor required by law, court order, military service, or public emergency.³⁰⁹³ 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.³⁰⁹⁴ There are no laws that address trafficking in persons.³⁰⁹⁵ Labor laws do not specifically define hazardous work,³⁰⁹⁶ and there is only one qualified workplace safety and health inspector for the entire country.³⁰⁹⁷ The penalties for violation of child labor laws do not exceed USD 200 or three months' imprisonment.³⁰⁹⁸

The Department of Labor of the Ministry of Legal Affairs, Home Affairs and Labor enforces all labor laws and regulations through workplace inspections. There were no reports of violations of child labor laws, or of trafficking in persons in 2001.³⁰⁹⁹

St. Lucia has not ratified ILO Convention 138, but ratified ILO Convention 182 on December 6, 2000.³¹⁰⁰

³⁰⁹¹ U.S. Department of State, *Country Reports- 2001: Saint Lucia*, 3036-37, Section 6d. The government recognizes that the age for the end of compulsory schooling does not correspond with the minimum age for employment, and has drafted a revision to the Labor Code to address this by increasing the minimum age for employment to 15 years. ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, GB.283/3/1, Geneva, March 2002, 25, para. 120.

³⁰⁹² Government of Saint Lucia, *Education Act*, Article 27.

³⁰⁹³ *Constitution of Saint Lucia*, 1978, (February 22, 1979), Section 4 [cited September 4, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Lucia/Luc78.html>.

³⁰⁹⁴ Government of Saint Lucia, *Criminal Code*, Articles 103 and 225 [cited September 4, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/St.Lucia.pdf>.

³⁰⁹⁵ U.S. Department of State, *Country Reports- 2001: Saint Lucia*, 3036-37, Section 6f.

³⁰⁹⁶ ILO, *Review of Annual Reports*, 25, para. 121.

³⁰⁹⁷ U.S. Department of State, *Country Reports- 2001: Saint Lucia*, 3036-37, Section 6e.

³⁰⁹⁸ U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*.

³⁰⁹⁹ U.S. Department of State, *Country Reports- 2001: Saint Lucia*, 3036-37, Sections 6d and 6f.

³¹⁰⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Saint Vincent and the Grenadines

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

The Government of Saint Vincent and the Grenadines through its Ministry of Education is participating in the implementation of the OECS Education Strategy, through which the OECS territories aim to improve their education systems. The government is also collaborating with UNICEF, UNESCO and other organizations to improve the level of educational services.³¹⁰¹ School textbook and feeding programs aim to improve the participation rate of children at the primary level.³¹⁰² The government has also established a program to reintegrate street children into their families.³¹⁰³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in St. Vincent and the Grenadines are unavailable.³¹⁰⁴ However, children are known to work on family-owned banana farms, particularly during harvest time, or in family-owned cottage industries.³¹⁰⁵ Commercial sexual exploitation of children occurs in Saint Vincent and the Grenadines.³¹⁰⁶

Education is neither compulsory nor free.³¹⁰⁷ The government investigates cases in which children are withdrawn from school before the age of 16, but the teachers' union estimates that 8 to 10

³¹⁰¹ UN Convention on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Saint Vincent and the Grenadines*, CRC/C/28/Add.18, United Nations, Geneva, October 2001, para. 311 [cited October 8, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/233cbd03c45af4fec1256b490053e099/\\$FILE/G0145063.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/233cbd03c45af4fec1256b490053e099/$FILE/G0145063.pdf).

³¹⁰² Ibid., para. 350.

³¹⁰³ UN Convention on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: St. Vincent and the Grenadines*, CRC/C/15/Add.184, United Nations, Geneva, June 13, 2002, 13.

³¹⁰⁴ U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*, September 2001.

³¹⁰⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Saint Vincent and the Grenadines*, Washington, D.C., March 4, 2002, 3042-43, Section 6d [cited September 3, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8239.htm>.

³¹⁰⁶ UN Convention on the Rights of the Child, *Concluding Observations: St. Vincent and the Grenadines*, 14. See also UN Convention on the Rights of the Child, *Consideration of Reports: Saint Vincent and the Grenadines*.

³¹⁰⁷ The Education Act of 1992 provides the framework for instituting compulsory education, but this has yet to be accomplished. See UN Convention on the Rights of the Child, *Concluding Observations: St. Vincent and the Grenadines*, 12. See also Minister of Social Development, Cooperatives, the Family, Gender, and Ecclesiastical Affairs of Saint Vincent and the Grenadines, The Honourable Mrs. Girlyn Miguel, Statement at the United Nations Special Session on Children, May 10, 2002, [cited December 31, 2002]; available from <http://www.un.org/ga/children/stvgE.htm>. See also U.S. Department of State, *Country Reports- 2001: Saint Vincent and the Grenadines*, 3041-42, Section 5. See also UN Convention on the Rights of the Child, *Consideration of Reports: Saint Vincent and the Grenadines*, para. 313-17.

percent of secondary school children did not attend school in 2001.³¹⁰⁸ Primary school leavers are believed to work illegally as apprentices.³¹⁰⁹ In 1998, the gross primary enrollment rate was estimated at 90.5 percent, and the net primary enrollment rate was estimated at 83.5 percent.³¹¹⁰ Attendance rates are not available for Saint Vincent and the Grenadines. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³¹¹¹

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children's Act of 1990 sets the minimum age for employment at 16 years,³¹¹² but since children often leave school at the age of 15, many begin work as apprentices at that age.³¹¹³ Forced or compulsory labor is prohibited by law, and it is not known to occur.³¹¹⁴ The Labor Inspectorate at the Department of Labor is authorized to investigate and address child labor legislation, and conducts annual workplace inspections.³¹¹⁵ No violations have been reported, and employers are believed to generally respect the law in practice.³¹¹⁶ Prostitution of girls under the age of 15 is prohibited by the Criminal Code.³¹¹⁷ There are no laws

³¹⁰⁸ U.S. Department of State, *Country Reports- 2001: Saint Vincent and the Grenadines*, 3041-42, Section 5. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*, which reports a higher rate of 13 percent truancy among primary school age children.

³¹⁰⁹ International Confederation of Free Trade Unions, *Internationally Recognised Core Labour Standards in the WTO Members of the Organisation of East Caribbean States (OECS)*, Geneva, February and June 2001, [cited August 30, 2002]; available from <http://www.icftu.org/displaydocument.asp?Index=991212900&Language=EN>.

³¹¹⁰ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000. Ministry of Education statistics show primary school enrollment declining from 1994 to 1997. The Ministry of Education reported that the total number of enrolled primary schoolchildren aged 5 to 15 fell from 23,338 in 1994 to 21,628 in 1997. Over the same period, the total enrollment of secondary schoolchildren aged 11 to 19 ranged from 7,464 in 1994 to 7,690 in 1997, reflecting a significant problem with retention between primary and secondary levels. See UN Convention on the Rights of the Child, *Consideration of Reports: Saint Vincent and the Grenadines*, Tables 7 and 8.

³¹¹¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³¹¹² U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

³¹¹³ U.S. Department of State, *Country Reports- 2001: Saint Vincent and the Grenadines*, 3042-43, Section 6d.

³¹¹⁴ *Constitution of Saint Vincent and the Grenadines*, Article 4 [cited September 5, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Vincent/stvincent79.html>. See also U.S. Department of State, *Country Reports- 2001: Saint Vincent and the Grenadines*, 3042-43, Section 6c.

³¹¹⁵ U.S. Department of State, *Country Reports- 2001: Saint Vincent and the Grenadines*, 3042-43, Section 6d.

³¹¹⁶ U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

³¹¹⁷ Government of Saint Vincent and the Grenadines, *Criminal Code*, [cited December 18, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/St.Vincent&GrenF.pdf>.

that specifically address trafficking in persons, and there were no reports of trafficking involving the country in 2001.³¹¹⁸

The Government of St. Vincent and the Grenadines has not ratified ILO Convention 138 but ratified ILO Convention 182 on December 4, 2001.³¹¹⁹

³¹¹⁸ U.S. Department of State, *Country Reports- 2001: Saint Vincent and the Grenadines*, 3042-43, Section 6f.

³¹¹⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Samoa

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

In July 2000, the Government of Samoa launched a draft National Youth Policy 2000-2009, which highlighted issues of education and training, employment and youth justice.³¹²⁰ Various government agencies, the Samoan teachers' association, tourism sector businesses, and NGOs formed an action group on the commercial sexual exploitation of children in 1998.³¹²¹ In September 2000, the Asian Development Bank approved a loan for USD 7 million to finance an Education Sector Project in Samoa.³¹²² The objectives of this project are to rehabilitate and expand 25 to 30 schools, develop curriculum and improve teachers' skills.³¹²³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable. However, children are found working in rural areas where schools are not available and in the sale of agricultural products at road-side stands.³¹²⁴ Children are also reported to work selling goods and food on the streets of the capital city of Apia.³¹²⁵ There are no reports of bonded labor by children, but some children are forced by community leaders to work for their village, most frequently on village farms.³¹²⁶ There is no reliable information on the commercial sexual exploitation of children in Samoa.

³¹²⁰ United Nations, *Youth at the United Nations: Country Profiles on the Situation of Youth: Samoa*, [online] 2001 [cited September 16, 2002]; available from <http://esa.un.org/socdev/inyin/country4.asp?countrycode=ws>.

³¹²¹ ECPAT International, *Samoa*, in ECPAT International, [database online] 2002 [cited September 17, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³¹²² Asian Development Bank, *Giving Children of Samoa a Better Education*, September 5, 2000, [cited September 14, 2002]; available from <http://www.adb.org/Documents/News/2000/nr2000085.asp>.

³¹²³ Ibid. ADB is also considering a project to improve job opportunities for at-risk youth in Samoa. Asian Development Bank, *Opportunity for Vulnerable Poor Youth*, August 23, 2002, [cited September 14, 2002]; available from <http://www.adb.org/Documents/Profiles/GRNT/35446012.ASP>.

³¹²⁴ U.S. Embassy- Apia, *unclassified telegram no. 195*, October 2001.

³¹²⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Samoa*, Washington, D.C., March 4, 2002, 1158, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8373.htm>.

³¹²⁶ Ibid.

Education in Samoa is not free,³¹²⁷ but is compulsory from age 5 to age 13.³¹²⁸ It is reported that education requirements are rarely enforced in rural areas.³¹²⁹ In 1998, the gross primary enrollment rate was 101.7 percent, and the net primary enrollment rate was 96.3 percent.³¹³⁰ Primary school attendance rates are unavailable for Samoa. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³¹³¹

Child Labor Laws and Enforcement

The Labor and Employment Act of 1972 sets the minimum age of employment at 15 years except in "safe and light" work.³¹³² 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.³¹³³ The Constitution prohibits forced or bonded labor, including labor by children.³¹³⁴ However, work or service that is required by Samoan custom or fulfills a "normal civic obligation" is not considered "forced labor" and is therefore not prohibited.³¹³⁵

The Criminal Code makes the prostitution of women and girls illegal in Samoa.³¹³⁶ The kidnapping of an individual with the intent to transport the individual out of the country or hold the individual for service is a crime and is punishable by up to 10 years imprisonment.³¹³⁷ In addition, it is against the law to abduct a woman or girl to cause her to have sexual intercourse with any other

³¹²⁷ Permanent Representative of Samoa to the United Nations, H.E. Tuiloma Neroni Slade, Statement at the United Nations Special Session on Children, May 10, 2002, [cited December 18, 2002]; available from <http://www.un.org/ga/children/samoaE.htm>. See also Right to Education, *International Obligations and Access to Remedies: Samoa*, [online] [cited November 11, 2002]; available from http://www.right-to-education.org/content/index_4.html.

³¹²⁸ UNESCO, *Western Samoa: Education System*, 2001 [cited September 17, 2002]; available from <http://www.unesco.org/iau/cd-data/ws.rtf>. See also Statement at the United Nations Special Session on Children.

³¹²⁹ U.S. Embassy- Apia, *unclassified telegram no. 195*.

³¹³⁰ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³¹³¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³¹³² Government of Samoa, *Labour and Employment Act (No. 12)*, (1972), Section 32 [cited December 18, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1972/Samoa_Labour.html.

³¹³³ *Ibid.*

³¹³⁴ *Constitution of the Independent State of Western Samoa*, (May 1, 1920), Section 8 [cited September 18, 2002]; available from http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Constitution.html.

³¹³⁵ *Ibid.*, Section 8(2)d.

³¹³⁶ Receiving income from the prostitution of another person or soliciting for a prostitute regardless of whether compensation is received, is illegal under the Samoan Criminal Code. See Government of Samoa, *Crimes Ordinance*, Articles 58 K-M [cited September 18, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html.

³¹³⁷ *Ibid.*, Article 83 A.

person.³¹³⁸ The Commissioner of Labor is responsible for addressing complaints about illegal child labor.³¹³⁹ These complaints are referred to the Attorney General for enforcement.³¹⁴⁰

The Government of Samoa is not a member of the ILO and, as such, has not ratified ILO Conventions pertaining to child labor.³¹⁴¹

³¹³⁸ The crime is punishable by up to seven years imprisonment. Ibid., Articles 83 and 83 B.

³¹³⁹ U.S. Department of State, *Country Reports- 2001: Samoa*, 1158, Section 6d.

³¹⁴⁰ No cases were prosecuted during 2001. Ibid.

³¹⁴¹ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 18, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

São Tomé and Príncipe

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

The Government of São Tomé and Príncipe is working with the IMF and the World Bank to introduce equality of access in the educational system and to improve the quality of education.³¹⁴² Some of the ways in which the government plans to carry out its goals are encouraging enrollment for all children (particularly girls and children in disadvantaged areas); reducing repetition and dropout rates at the primary level; renovating existing schools and constructing new ones; encouraging community participation; providing teacher training for primary and secondary teachers; and strengthening institutional and managerial capacities in the field of education.³¹⁴³ The Government of São Tomé and Príncipe is also working under UNESCO's Education for All Initiative to strengthen its teacher-training program.³¹⁴⁴

The World Food Programme began a four-year program in 2000 to provide a mid-day meal to over 30,000 children in primary schools and kindergartens to alleviate short-term hunger and maintain attendance rates.³¹⁴⁵ In conjunction with the government, UNICEF is implementing an education program that focuses on the improvement of education quality in general, and more specifically, increasing primary school access for children up to the sixth grade.³¹⁴⁶ UNICEF also carried out an initial rapid assessment on working children in A. Grande and Caue.³¹⁴⁷ Funds from the Portuguese Government are supporting a school-mapping program.³¹⁴⁸

³¹⁴² The government intends to increase the gross primary school enrollment rate from 70 percent in 1999 to 90 percent by 2002, with a longer-term goal of achieving universal enrollment by 2005. World Bank, *Interim Poverty Reduction Strategy Paper for 2000-02*, prepared by São Tomé and Príncipe Authorities, April 6, 2000, para. 35 [cited November 13, 2002]; available from <http://poverty.worldbank.org/files/sao%20tome%20principe%20iprsp.pdf>.

³¹⁴³ The government also plans to develop technical and vocational training and promoting apprenticeship training. A more complete listing of government efforts can be found at Ibid., para. 36-37.

³¹⁴⁴ UNESCO, *Education for All 2000 Assessment: Country Reports: São Tomé and Príncipe*, prepared by Ministry of Education and Culture, pursuant to UN General Assembly Resolution 52/84, 2000, Part II, Analytical Section, 8 [cited October 25, 2002]; available from http://www2.unesco.org/wef/countryreports/saotome_principe/contents.html.

³¹⁴⁵ World Food Programme, *Projected 2002 Needs for WFP Projects and Operations: Country Brief: São Tomé and Príncipe*, 2002, [cited October 10, 2002]; available from <http://www.wfp.org/countrybrief/indexcountry.asp?country=79#>.

³¹⁴⁶ UNICEF, *Education Programme*, 2000, [cited September 4, 2002]; available from <http://www.unicef.org/saotome/educatio.htm>.

³¹⁴⁷ UNICEF, *UNICEF Publications in São Tomé and Príncipe*, 2000 [cited September 4, 2002]; available from <http://www.unicef.org/saotome/publicati.htm>.

³¹⁴⁸ Also called "Carta Escolar." See World Bank, *São Tomé and Príncipe- Social Sector Support Project*, no. PID11127, Washington, D.C., 2002, 2 [cited September 4, 2002]; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19//000094946_02041804135555/Rendered/PDF/multi0page.pdf.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 2 percent of children ages 5 to 14 years in São Tomé and Príncipe were working as paid laborers, and another 6 percent participate in unremunerated work outside of the household.³¹⁴⁹ Five percent of children within this age group carry out domestic tasks such as cooking, collecting water and watching other children for more than four hours per day.³¹⁵⁰ Sometimes from an early age, children reportedly work in subsistence agriculture, on plantations, and in informal commerce.³¹⁵¹ About 10 percent of children ages 5 to 14 work for their families in the streets, participate in agricultural labor on commercial farms or engage in activities in the informal sector. This percentage is highest in Príncipe (18 percent) and in the north (15 percent).³¹⁵² Many children work in the absence of available education beyond the fourth grade.³¹⁵³ There is little information about the commercial sexual exploitation of children in the country, but the government reportedly expects that, with the increase in tourism, the establishment of tax-free zones, oil exploration and increased migration to São Tomé, children are at risk of such exploitation.³¹⁵⁴

Education is free and universal through the age of 14 and compulsory through the sixth grade; education after the sixth grade or after the age of 14 is not free.³¹⁵⁵ In 1999, the gross primary enrollment rate was 70 percent. Children in primary schools had a repetition rate of 31 percent³¹⁵⁶ and a drop-out rate of 34 percent.³¹⁵⁷

Although the triple shift system designates four hours for class time, shifts last between two and three hours.³¹⁵⁸ In addition, the proportion of qualified primary school teachers is declining.³¹⁵⁹

Government of São Tomé and Príncipe, *Enquête de grappes à indicateurs multiples MICS: Rapport d'analyse*, UNICEF, July 14, 2000, 9.

³¹⁵⁰ Ibid.

³¹⁵¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: São Tomé and Príncipe*, Washington, D.C., March 4, 2002, 553-54, Section 6d [cited August 30, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8399.htm>.

³¹⁵² Government of São Tomé and Príncipe, *Enquête de grappes à indicateurs multiples MICS*, 9.

³¹⁵³ UNICEF, *Education Programme*.

³¹⁵⁴ ECPAT International, *São Tomé and Príncipe*, in ECPAT International, [database online] 2002 [cited August 30, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³¹⁵⁵ U.S. Department of State, *Country Reports- 2001: São Tomé and Príncipe*, 553-54, Section 6.

³¹⁵⁶ International Monetary Fund and International Development Association, *São Tomé and Príncipe: Enhanced Heavily Indebted Poor Countries (HIPC) Initiative- Decision Point Document*, December 5, 2000, 11 [cited August 30, 2002]; available from <http://www.imf.org/external/np/hipc/2000/stp/stpdp.pdf>. Access to the first year of school is universal, and 78 percent of children who enter first grade reach the fourth grade. However, only 52 percent reach the eighth grade. See also World Bank, *São Tomé and Príncipe- Social Sector Support*, 2.

³¹⁵⁷ International Monetary Fund and International Development Association, *São Tomé and Príncipe: Enhanced Heavily Indebted Poor Countries*, 13.

³¹⁴⁹ ³¹⁵⁸ Ibid. See also World Bank, *São Tomé and Príncipe- Social Sector Support*, 12.

³¹⁵⁹ From 48.8 percent in 1999-2000 to 44.7 percent in 2000-2001. International Monetary Fund and International Development Association, *São Tomé and Príncipe: Enhanced Heavily Indebted Poor Countries*.

The educational system has a shortage of classrooms, insufficiently trained and underpaid teachers, inadequate textbooks and materials, high rates of repetition, poor educational planning and management, and a lack of community involvement in school management.³¹⁶⁰ There is also a lack of inter-agency coordination³¹⁶¹ and domestic financing for the school system, leaving the system highly dependent on foreign financing.³¹⁶²

Child Labor Laws and Enforcement

The minimum age for admission to employment as established by national legislation is 16 years.³¹⁶³ The Ministry of Justice and Labor is responsible for enforcing labor laws.³¹⁶⁴ The Penal Code addresses the commercial sexual exploitation of children although there have been few prosecutions.³¹⁶⁵ Forced and bonded labor, including by children, is prohibited and not known to exist.³¹⁶⁶

The Government of São Tomé and Príncipe has not ratified either ILO Convention 138 or ILO Convention 182.³¹⁶⁷

³¹⁶⁰ United Nations House, *São Tomé and Príncipe: Common Country Assessment*, [cited September 4, 2002], 3; available from <http://www.uns.st/uns/Summary.html>.

³¹⁶¹ UNESCO, *EFA 2000 Report: São Tomé and Príncipe*, 10, 19.

³¹⁶² Ibid.

³¹⁶³ The minimum age does not apply to family-owned or operated enterprises, home work, domestic services, self-employed work, family-owned or small-scale farms, and light work. It does apply to such areas as commercial agriculture and export processing zones. ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva, March 2002, Part II. For legislation on working minors, See also Government of São Tomé and Príncipe, *Ley Núm. 6/92, por la que se establece el regimen jurídico de las condiciones individuales de trabajo*, [cited October 10, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

³¹⁶⁴ U.S. Department of State, *Country Reports- 2001: São Tomé and Príncipe*, 553-54, Section 6d.

³¹⁶⁵ ECPAT International, *São Tomé and Príncipe*.

³¹⁶⁶ U.S. Department of State, *Country Reports- 2001: São Tomé and Príncipe*, 553-54, Section 6.

³¹⁶⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 18, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Senegal

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

In 1994, the Government of Senegal adopted a National Plan of Action to Improve the Conditions of Child Workers,³¹⁶⁸ after becoming one of the pilot countries chosen to implement an ILO-IPEC child labor survey in 1993.³¹⁶⁹ In 1998, the government became a member of ILO-IPEC,³¹⁷⁰ and in the next year, launched a three-year ILO-IPEC program of action to eliminate child labor, with funding from the Government of the Netherlands.³¹⁷¹ The project was extended by two years due to additional funding.³¹⁷² The program works to improve national formal and non-formal education opportunities, social and legal protection for children, and working and living conditions for families.³¹⁷³ As part of the ILO-IPEC program, a total of 10 action programs targeting specific child laborers for withdrawal from exploitative child labor have been implemented.³¹⁷⁴

In 2001, the Government of Senegal, in cooperation with the Government of Italy and UNICEF, launched a two-year program to support efforts to withdraw children in Senegal from the worst forms of child labor and exploitation.³¹⁷⁵ The government also cooperates with UNICEF to build government and civil society capacity to protect children in need of special protection.³¹⁷⁶ In 1992, the Ministry of Health, with assistance from UNICEF and several NGOs, began implementing a

³¹⁶⁸ ECPAT International, *Mission Report on West Africa*, Bangkok, August-October 2000. The National Plan of Action targets four groups of children, young female domestic workers, apprentices, independent workers, and rural working children. U.S. Embassy- Dakar, *unclassified telegram no. 3552*, August 2000.

³¹⁶⁹ See generally, Abdoulaye Sadio, *Le Travail des Enfants au Senegal, Enquête Methodologique*, Ministry of Economics, Finance, and Planning, Dakar, July 1993.

³¹⁷⁰ ILO-IPEC, *All About IPEC: Program Countries*, [online] [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/about/countries/index.htm>.

³¹⁷¹ ILO-IPEC, *Francophone Africa: New IPEC Initiatives Make Significant Inroads*, [online] [cited September 13, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/facts14.htm>. In 2000-2001, 21,200 children were provided with safer working conditions and shorter hours and 10,730 children were supplied with non-formal and vocational education. See ILO-IPEC, *IPEC Action Against Child Labor 2000-2001: Progress and Future Priorities*, annual report, Geneva, January 2002, 78.

³¹⁷² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Senegal*, Washington, D.C., March 4, 2002, 564-65, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8400.htm>.

³¹⁷³ ILO-IPEC, *Francophone Africa*.

³¹⁷⁴ Ibid. Seven of these programs target children in the three priority areas established by the program: domestic work, hazardous work and rag picking.

³¹⁷⁵ "Child Labor: Senegal Launches Program To Combat Practice," *UN Wire*, July 17, 2001, [cited September 13, 2002]; available from <http://www.unwire.org/unwire/2001/07/17/index.asp#16062>.

³¹⁷⁶ The program includes capacity building for government and nongovernment stakeholders, the creation of counseling centers for children, the establishment of a monitoring system to track conditions of working children, and awareness raising for families and the public about working children. ECPAT International, *Mission Report on West Africa*, 5.

project to help provide better food, lodging, water, health care, and school materials to children who were studying in traditional Koranic schools to keep the children from having to beg on the streets for food and money.³¹⁷⁷ In July 2001, the Government of Senegal joined other countries in francophone West Africa in Ouagadougou to launch an inter-parliamentary committee to study child trafficking.³¹⁷⁸ The government is also planning to conduct a national child labor survey in 2004 with technical assistance from ILO-IPEC's SIMPOC.³¹⁷⁹

In 2000-2001, the Government of Senegal began implementing and monitoring a 10 Year Education and Training Program 1999-2008 (PDEF), and adopted a national plan of action on education for all.³¹⁸⁰ These initiatives aim to achieve universal enrollment in primary education; prioritize funding for basic primary education and leverage non-government resources to help expand access to education; reform non-formal education opportunities; improve the management of education; and reconcile education management with the decentralization process.³¹⁸¹ The PDEF plan calls for the achievement of a gross primary enrollment rate of 70 percent by 2000, 75 percent in 2001, and to attain universal enrollment by 2008.³¹⁸² It also seeks to increase the enrollment rates of girls and to improve the quality of teaching.³¹⁸³ The World Bank has launched the Quality Education for All Project for Senegal, which supports the implementation of the PDEF.³¹⁸⁴ USAID,³¹⁸⁵

³¹⁷⁷ Sylviane Diouf Kamara, *Senegal Upgrades its Koranic Schools*, UNICEF, [online] April 1995 [cited September 13 2002]; available from <http://www.unicef.org/features/feat143.htm>.

³¹⁷⁸ "West African Countries Set Up a Body to Stem Child Trafficking," *Agence France Presse*, July 31, 2001.

³¹⁷⁹ ILO-IPEC, *SIMPOC: SIMPOC Countries*, [online] [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm>.

³¹⁸⁰ Government of Senegal, *Synthèse et Réalisations du Gouvernement—Ministère de l'Éducation Avril 2000 - Décembre 2001*, [online] [cited September 13, 2002]; available from <http://www.primature.sn/ministeres/meduc/bilan02.html>. See also Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility Economic and Financial Policy Framework Paper: 1999-2001*, prepared in consultation with the International Monetary Fund and World Bank, Dakar, June 4, 1999, Section VI.A [cited November 14, 2002]; available from <http://www.imf.org/external/np/pfp/1999/senegal/index.htm>. See also UNESCO, *Education for All 2000 Assessment: Country Reports-Senegal*, prepared by Ministry of National Education, pursuant to UN General Assembly Resolution 52/84, 2000, [cited December 18, 2002]; available from <http://www2.unesco.org/wef/countryreports/senegal/contents.html>.

³¹⁸¹ Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*, Section VI. A. See also UNESCO, *EFA 2000 Assessment- Senegal*.

³¹⁸² Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*.

³¹⁸³ *Ibid.* The Education for All report states that the goal of the Government is to achieve a gross primary enrollment rate of 75 percent in 2000 and to achieve universal primary school enrollment in 2015. UNESCO, *EFA 2000 Assessment- Senegal*.

³¹⁸⁴ World Bank, *Quality Education for All Project*, [cited September 13, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P047319>.

³¹⁸⁵ USAID launched a girls' education project as part of its Education for Development and Democracy Initiative in fiscal year 1999 which is scheduled to end in fiscal year 2005. USAID, *Senegal: Fact Sheet on USAID Program, 2002*, [cited September 13, 2002]; available from <http://www.usaid.gov/country/afr/sn/#poe>. See also USAID, *Senegal: Activity Data Sheet 685-008*, [cited September 13, 2002]; available from <http://www.usaid.gov/country/afr/sn/685-008.html>.

UNICEF,³¹⁸⁶ and other international donors have also continued to support programs to improve access to basic education, particularly for girls.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 27.3 percent of children ages 10 to 14 years in Senegal were working.³¹⁸⁷ Children work mainly on family farms. They also work as domestic servants, scavengers in garbage dumps, ragpickers, apprentices in mechanics workshops and in the shoemaking and carpentry sectors, and in small businesses.³¹⁸⁸ Forty percent of the children in Senegal go to Koranic schools, or *daaras*, where they are sometimes forced to become street beggars to support their education.³¹⁸⁹ Senegal is reportedly a source and transit country for women and girls trafficked to Europe and the Middle East for sexual exploitation.³¹⁹⁰ According to reports, increased tourism into Senegal may be contributing to an increase in child prostitution and other forms of commercial sexual exploitation of children in urban areas.³¹⁹¹

Education is compulsory up to the age of 12.³¹⁹² In 1998-99, the gross primary enrollment rate was 66.9 percent (70.3 percent for boys and 63.4 percent for girls)³¹⁹³ and the net primary enrollment rate in 1998 was 58.8 percent (63.9 percent for boys and 53.6 percent for girls).³¹⁹⁴ While the government has been making progress towards improving access to education,³¹⁹⁵ a disproportionate number of girls leave school before third grade and a large majority of women are illiterate.³¹⁹⁶ In 1998-1999, the student/teacher ratio in Senegal was 49 to 1.³¹⁹⁷ Senegal does not

³¹⁸⁶ UNICEF, *Girls' Education in Senegal*, [cited September 13, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Senegalfinal.PDF.

³¹⁸⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. UNICEF has also found that in 2000, 400,000 children between the ages of 6 and 18 were children in need of special protection. Half of these children are involved in hazardous child labor, 25 percent were subject to sexual exploitation and 25 percent were cut off from their families, particularly those enrolled in Koranic schools. See also "Child Labor: Senegal Launches Program."

³¹⁸⁸ Many girls, some as young as 6, work as domestic servants. See U.S. Embassy- Dakar, *unclassified telegram no. 3552*.

³¹⁸⁹ "Child Labor: Senegal Launches Program." See also Kamara, *Senegal Upgrades its Koranic Schools*.

³¹⁹⁰ U.S. Department of State, *Trafficking in Persons Report- 2002: Senegal*, Washington, D.C., June 5, 2002, 90 [cited December 30, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>.

³¹⁹¹ ECPAT International, *Senegal*, ECPAT International, [database online] [cited January 3, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also Laura J. Lederer, *Commercial Sexual Exploitation of Women and Children: A Human Rights Report*, The Protection Project, Washington D.C., January 2001, [cited December 30, 2002]; available from <http://www.protectionproject.org/vt/2.htm>.

³¹⁹² U.S. Department of State, *Country Reports- 2001: Senegal*, 562-64, Section 5.

³¹⁹³ UNESCO, *EFA 2000 Assessment- Senegal*.

³¹⁹⁴ World Bank, *World Development Indicators 2002*.

³¹⁹⁵ See generally, UNESCO, *EFA 2000 Assessment- Senegal*.

³¹⁹⁶ USAID, *Senegal: Activity Data Sheet 685-008*.

³¹⁹⁷ UNESCO, *EFA 2000 Assessment- Senegal*.

have an adequate number of school facilities; however, current efforts are focusing on providing new schools and on addressing access issues that hamper education.³¹⁹⁸

Child Labor Laws and Enforcement

The minimum age for general employment is 15 years³¹⁹⁹ and the minimum age for hazardous work is between 16 and 18 years.³²⁰⁰ The Ministry of Labor has responsibility for the enforcement of child labor laws and monitors and enforces the restrictions in the formal sector.³²⁰¹ However, the law is not enforced in the informal sector, where Senegal's working children are frequently employed.³²⁰² Prostitution is illegal in Senegal.³²⁰³ Article 319, Section 7 of the Criminal Code, makes any offense against the decency of a child punishable by imprisonment for 2 to 5 years, and in certain cases (Articles 320-321) punishable by up to 10 years in prison. Cases where a minor is procured for prostitution are punishable by imprisonment for 2 to 5 years and a fine of 300,000 (USD 442.95) to 4,000,000 (USD 5,905.74).³²⁰⁴ Senegal's constitution prohibits forced and bonded labor.³²⁰⁵

The Government of Senegal ratified ILO Convention 138 on December 15, 1999 and ILO Convention 182 on June 1, 2000.³²⁰⁶

³¹⁹⁸ Ibid.

³¹⁹⁹ Government of Senegal, *Le Code du Travail du Senegal*, (1997), Article 145; available from http://www.senegalaisement.com/NOREF/legislation_travail_senegal.html.

³²⁰⁰ ILO, "Child Labour: Targeting the Intolerable" (paper presented at the ILO Labor Conference, 86th Session, Geneva, 1998), 76 [cited December 18, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/publ/policy/target/target.pdf>.

³²⁰¹ U.S. Department of State, *Country Reports- 2001: Senegal*, 564-65, Section 6d.

³²⁰² Ibid. U.S. Embassy- Dakar, *unclassified telegram no. 3552*.

³²⁰³ Amy Otchet, *Should Prostitution Be Legal?*, UNESCO Courier, [online] [cited September 13, 2002]; available from http://www.unesco.org/courier/1998_12/uk/ethique/txt1.htm.

³²⁰⁴ Government of Senegal, *Criminal Code, Section V: Offenses Against Public Morals*, [cited September 10, 2002]; available from <http://www.protectionproject.org/vt/2.htm>. For currency conversion see FX Converter, [online] [cited September 15, 2002]; available from <http://www.carosta.de/frames/convert.htm>. According to UNICEF Senegal, with the help of a Senegalese NGO, "The Future for Children", a French national was prosecuted in France for abusing children under his care while in Senegal. This is said to be the first pedophile case in Senegal. ECPAT International, *Mission Report on West Africa*.

³²⁰⁵ U.S. Department of State, *Country Reports- 2001: Senegal*, 564-65, Section 6c.

³²⁰⁶ U.S. Embassy- Dakar, *unclassified telegram no. 3552*.

Seychelles

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

On September 28, 1999, Seychelles became the first country to ratify ILO Convention 182 on the elimination of the worst forms of child labor.³²⁰⁷ The Government of the Seychelles implemented major education reform programs in 1990 and 1999, which were aimed in part at improving access to and quality of primary education through enhanced teacher training standards, improved physical facilities, and guaranteed free education for all.³²⁰⁸ The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development works to protect children's rights.³²⁰⁹ The National Commission for Child Protection, established in 1996, is responsible for overall child protection policies, and the National Council for Children is the organization responsible for overall policy-making on child rights.³²¹⁰

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Seychelles are unavailable, and information is not available on the incidence and nature of child labor. Education is compulsory for 10 years and free through secondary school.³²¹¹ In 1999, the gross primary enrollment rate was 100.8 percent and the net primary enrollment rate was 99.9 percent.³²¹² Attendance rates are not available for Seychelles. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³²¹³

³²⁰⁷ ILO, *Child Labor Convention Becomes International Law*, 2001 [cited October 23, 2002]; available from <http://www.us.ilo.org/news/focus/0012/FOCUS-5.html>.

³²⁰⁸ UNESCO, *Education for All 2000 Assessment: Country Reports- Seychelles*, prepared by Education Planning Division of Resource Planning and Project Development, pursuant to UN General Assembly Resolution 52/84, 2000, [cited September 2, 2002]; available from <http://www2.unesco.org/wef/countryreports/seychelles/contents.html>.

³²⁰⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Seychelles*, Washington, D.C., March 4, 2002, 570-71, Section 5 [cited September 1, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8401.htm>.

³²¹⁰ Government of Seychelles Ministry of Social Affairs and Manpower Development, "Seychelles- Putting Children First," *African Newsletter on Occupational Health and Safety*, August 2000, [cited October 3, 2002]; available from <http://www.occuphealth.fi/e/info/anl/200/seychelles06.htm>. See also ATLAS Seychelles Ltd., *The Historical Perspective of NCC*, [online] [cited October 3, 2002]; available from <http://www.seychelles.net/ncc/about.htm>.

³²¹¹ Right to Education, *Legal Status/Constitutional Guarantees: Seychelles*, in Right to Education Project, [database online] 2002 [cited December 5, 2002]; available from http://www.right-to-education.org/content/index_4.html. See also U.S. Department of State, *Country Reports- 2001: Seychelles*, 570-71, Section 5.

³²¹² UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³²¹³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

Child Labor Laws and Enforcement

The Constitution sets the minimum age for employment at 15 years, with exceptions for children employed part time in light work that is not harmful to their health, morals or education. Violations of the minimum age regulation are punishable by a fine of SCR 6,000 (USD 1,119).³²¹⁴ An amendment to the Employment of Young Persons and Children Act of 1981 specifically prohibits children under 18 from working in hotels, restaurants and shops.³²¹⁵ Forced or bonded labor is prohibited by law.³²¹⁶ Article 138(b) of the Penal Code prohibits the procuring of any woman or girl for purposes of prostitution.³²¹⁷ The Ministry of Employment and Social Services is responsible for enforcing child labor laws and investigating child labor abuses.³²¹⁸

In 2001, there were no reported cases of child labor requiring investigation by the Ministry of Employment and Social Services, no known cases of forced or bonded labor by children, and no reports of trafficking in persons to, from, or within the country.³²¹⁹ A Family Tribunal composed of 18 members hears and decides all cases relating to the care and custody of children, save paternity cases.³²²⁰ Only 42 cases of child sex abuse were reported in 2001, and there are concerns that the police fails to vigorously investigate charges of child abuse.³²²¹

The Government of Seychelles ratified ILO Convention 138 on March 7, 2000, and ILO Convention 182 on September 28, 1999.³²²²

³²¹⁴ U.S. Department of State, *Country Reports- 2001: Seychelles*, 571-72, Section 6d. For currency conversion see FX Converter, [online] [cited October 23, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

³²¹⁵ ILO, *Seychelles: Children and Young Persons*, [cited September 1, 2002]; available from <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang=E&doc=query&ctry=SYC&llx=12.01>.

³²¹⁶ U.S. Department of State, *Country Reports- 2001: Seychelles*, 571-72, Section 6c.

³²¹⁷ Government of Seychelles, *Penal Code*, [cited September 2, 2002]; available from <http://209.190.246.239/ver2/cr/Seychelles.pdf>.

³²¹⁸ U.S. Department of State, *Country Reports- 2001: Seychelles*, 571-72, Section 6d.

³²¹⁹ *Ibid.*, 571-72, Sections 6c, 6d, 6f.

³²²⁰ *Ibid.*, 570-71, Section 5.

³²²¹ *Ibid.*

³²²² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 1, 2002]; available from <http://ilolex.ilo.ch?1567/cgi-lex/ratifce.pl?Seychelles>.

Sierra Leone

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

The African Development Bank and the Islamic Development Bank are assisting Sierra Leone to construct 600 new primary schools and furnish them with textbooks, furniture and other needed equipment.³²²³ The World Bank has announced a USD 20 million program to help Sierra Leone's schools meet basic standards, develop partnerships between government, communities and schools, and build up the capacity of the Ministry of Youth Education and Sports to deliver educational services.³²²⁴ The Minister of Education, Science and Technology has stated that the national government will also pay the fees for the National Primary School Exams and the Basic Education Certificate Education exams, and has pledged to reduce the cost of textbooks by 60 percent.³²²⁵ UNICEF is engaged in projects to renovate schools, distribute teaching material and equipment, retrain teachers, and promote girls' education.³²²⁶

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 72 percent of children ages 5 to 14 years in Sierra Leone were working.³²²⁷ Teenage prostitution has reportedly become a significant problem as a result of

³²²³ Big Ben, "Science and Technology Minister, Dr. Alpha Tejan Wurle- On the Subject of Literacy," *Sierra Leone Live*, July 25, 2002, [cited October 9, 2002]; available from <http://www.sierraleoneline.com/news/templates/education.asp?articleid=215&zoneid=15>.

³²²⁴ World Bank, *Sierra Leone- Rehabilitation of Basic Education Project*, Washington, D.C., May 1, 2002, [cited October 9, 2002]; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/03/23//000094946_02032204180890/Rendered/INDEX/multi0page.txt.

³²²⁵ Big Ben, "Science and Technology Minister."

³²²⁶ UNICEF, *Sierra Leone: Donor Update*, May 29, 2002, [cited August 9, 2002]; available from <http://www.unicef.org/emerg/Country/SierraLeone/020529.PDF>. See also Integrated Regional Information Networks, "Sierra Leone: Army Recruits Trained in Child Protection", [online], November 3, 2000, UNICEF, *Girls' Education in Sierra Leone*, [online] [cited October 9, 2002]; available from http://www.unicef.org.programme/girlseducation/action/cases/sierra_leone.htm.

³²²⁷ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. The survey estimated that 2 percent of children between 5 and 14 perform paid work, while 48 percent of children in Sierra Leone perform unpaid work for someone other than a household member. Government of Sierra Leone, *The Status of Women and Children in Sierra Leone: A Household Survey Report (MICS-2)*, November 2000, 60; available from <http://www.childinfo.org/MICS2/newreports/sierraleone/sierraleone.PDF>. In 2000, the ILO estimated that 13.9 percent of children between the ages of 10 and 14 were working in Sierra Leone. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Most of this is domestic work such as cooking, shopping, cleaning, washing clothes, fetching water, and caring for children. See Government of Sierra Leone, *The Status of Women and Children in Sierra Leone*, 14.

migration from rural areas to Freetown and other urban areas during the war.³²²⁸ Other children in Sierra Leone work on a seasonal basis on family subsistence farms, in family businesses and as petty vendors.³²²⁹

Over 5,000 children served on both sides of Sierra Leone's 10-year civil war.³²³⁰ Between July 1999 and January 2002, 5,596 of the 45,844 ex-combatants demobilized were children.³²³¹ Most child soldiers served the rebel Revolutionary United Front (RUF) and other military groups, which forced children into their ranks and made them serve as soldiers, as sexual slaves, or diamonds miners.³²³² Child soldiers forced into military service by the RUF were required to engage in combat, massacres and other acts of brutality.³²³³ In May 2001, following reconciliation talks between the Government of Sierra Leone and the RUF, the RUF began to release child soldiers,³²³⁴ though some may remain in captivity.³²³⁵ Evidence suggests that the pro-government militia, the Civil Defense Force, continued to accept some children as volunteer soldiers.³²³⁶ Rebel forces continue to kidnap and conscript children to augment their armies, though the number of cases is believed to be declining.³²³⁷ In some cases, rebel fighters compelled these children to commit atrocities involving family members.³²³⁸ The rebels reportedly released a disproportionate numbers of boys, indicating that many girls may continue to be held as sex slaves.³²³⁹

³²²⁸ Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, ECPAT International, 2000, [cited October 28, 2001]; available from <http://www.ecpat.net/Blueboo2000/index.html>.

³²²⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Sierra Leone*, Washington, D.C., March 4, 2002, 584-86, Section 6c [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8402.htm>.

³²³⁰ In 2000, the ILO estimated that 5,400 children served as soldiers. See "Sierra Leone: The Terrible Price of Poverty and Unemployment," *World of Work* 33 (February 2000), [cited October 17, 2001]; available from <http://www.ilo.org/public/english/bureau/inf/magazine/33/sleone.htm>. Human rights groups estimate that 4,500-10,000 children under 16 years of age were forcibly abducted into military service during the war. See Douglas Farah, "Children Forced to Kill," *Washington Post* (Washington, D.C.), April 10, 2000. See also U.S. Department of State, *Country Reports- 2001: Sierra Leone*, 584-86, Section 6c.

³²³¹ Government of Sierra Leone, Letter of Intent to the International Monetary Fund, February 12, 2002.

³²³² U.S. Department of State, *Country Reports- 2001: Sierra Leone*, 584-86, Section 6c. See also Douglas Farah, "Rebels in Sierra Leone Mine Diamonds in Defiance of UN: Captured Children and Conscripts Used as Laborers," *Washington Post* (Washington, D.C.), August 19, 2001, [cited December 18, 2002]; available from <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A30720-2001Aug18¬Found=true>.

³²³³ Farah, "Children Forced to Kill."

³²³⁴ UNICEF, *UNICEF Encouraged by the Release Today of 150 Child Soldiers in Sierra Leone*, [press release] 2001 [cited October 17, 2001]; available from <http://www.unicef.org/newsline/01prjune4cs.htm>.

³²³⁵ Many of the former child combatants suffer from poor health, AIDS, and drug addiction. See "Sierra Leone: The Terrible Price."

³²³⁶ U.S. Department of State, *Country Reports- 2001: Sierra Leone*, 583-84, Section 5.

³²³⁷ *Ibid.*

³²³⁸ *Ibid.*

³²³⁹ *Ibid.*

The law requires mandatory primary school education, but a shortage of schools has made implementation impossible.³²⁴⁰ Even before the war, the educational system was capable of serving only 45 percent of primary school-age children.³²⁴¹ According to the IMF, the civil war resulted in the destruction of 1,270 primary schools. According to UNICEF, 67 percent of all school age children are currently out of school.³²⁴² The Government of Sierra Leone has introduced free primary education.³²⁴³ In 1996, the gross primary enrollment rate was 51.7.³²⁴⁴ Primary school attendance rates are unavailable for Sierra Leone. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³²⁴⁵

Child Labor Laws and Enforcement

The minimum age for employment in Sierra Leone is 18 years, although children between the ages of 12 and 18 years may be employed in some non-hazardous occupations with the consent of their parents. The law is not enforced in practice, as there is no government agency charged with enforcement.³²⁴⁶ The Constitution prohibits forced and bonded labor, including that performed by children. Under the Chiefdom's Council Act, however, individual chiefs may impose compulsory labor and may require village members to work to improve common areas.³²⁴⁷ This practice exists only in rural areas.³²⁴⁸

The Government of Sierra Leone has not ratified ILO Convention 138 or ILO Convention 182.³²⁴⁹

³²⁴⁰ Ibid. See also U.S. Committee for Refugees, *Upheaval in Liberia /Repatriation to Sierra Leone: Findings and Recommendations*, ReliefWeb, 2002, [cited December 18, 2002]; available from <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/00ae14f14bee696485256c02005a9794?OpenDocument>.

³²⁴¹ UNICEF, *Girls' Education in Sierra Leone*.

³²⁴² Republic of Sierra Leone, *Interim Poverty Reduction Strategy Paper*, Freetown, June 2001, [cited October 18, 2001]; available from <http://www.imf.org/external/np/prsp/2001/sle/01/063101.pdf>.

³²⁴³ President and Commander-in-Chief of the Republic of Sierra Leone Armed Forces His Excellency Alhaji Dr. Ahmad Tejan Kabbah, Inaugural Address On the Occasion of the State Opening of the First Session of the First Parliament of the Third Republic, July 12, 2002, [cited December 18, 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 to the International Monetary Fund, August 12, 2002.

³²⁴⁴ World Bank, *World Development Indicators 2002*.

³²⁴⁵ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

³²⁴⁶ U.S. Department of State, *Country Reports- 2001: Sierra Leone*, 584-86, Section 6d.

³²⁴⁷ Ibid., 584-86, Section 6c.

³²⁴⁸ Ibid.

³²⁴⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited December 18, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Slovak Republic

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

The Government of the Slovak Republic has established a Committee on the Rights of the Child and created departments within its Ministries of Education and Social Affairs to protect children's rights.³²⁵⁰ In collaboration with UNESCO, the government has developed an Education for All Program,³²⁵¹ sponsored a media campaign to encourage school attendance, and developed a pre-school program to teach Roma children the Slovak language.³²⁵² The UN International Center for Crime Prevention has funded a project on trafficking in persons that supports strengthening the criminal justice response, as well as providing protection and support to victims of trafficking.³²⁵³ The European Community's Phare Program has funded the project "Improvement of the Situation of the Roma in the Slovak Republic," which includes an education component geared at improving integration of Roma children in primary school.³²⁵⁴

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in the Slovak Republic are unavailable.³²⁵⁵ Trafficking of girls for the purpose of prostitution is a problem, and Slovakia is a country of origin, transit and a destination country for such victims of trafficking.³²⁵⁶ The Committee on the Rights of the Child has expressed concerns over several issues related to children. In particular, the transit of trafficked children through Slovakia for the purpose of pornography, prostitution and sex tourism has drawn attention to the need for protecting

³²⁵⁰ U.S. Embassy- Bratislava, *unclassified telegram no. 897*, September 2002.

³²⁵¹ UNESCO, *Education for All 2000 Assessment: Country Reports- Slovak Republic*, prepared by Institute of Information and Prognoses of Education, pursuant to UN General Assembly Resolution 52/84, 1999, [cited December 18, 2002]; available from <http://www2.unesco.org/wef/countryreports/slovakia/contents.html>.

³²⁵² U.S. Embassy- Bratislava, *unclassified telegram no. 897*.

³²⁵³ The UN International Center for Crime Prevention is part of the United Nations Office for Drug Control and Crime Prevention. See United Nations Information Service, *Press Briefing on UN Vienna Offices' Contribution to General Assembly Special Session on Children*, [press briefing] 2002 [cited September 4, 2002]; available from <http://www.unis.unvienna.org/en/events/2002/summary08may02.htm>. The project was planned to start in May 2002 according to United Nations International Center for Crime Prevention, *Update 1999-2002: Trafficking in Human Beings*.

³²⁵⁴ The duration of the program is from January 2002 to December 2003. Slovak Republic Government Office, *PHARE Twinning Programme SK0002/SK00/IB-OT-01: Improvement of the Situation of the Roma in the Slovak Republic*, [cited October 1, 2002]; available from http://www.vlada.gov.sk/csaky/twinning_programme_SK0002_en.doc.

³²⁵⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³²⁵⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Slovak Republic*, Washington, D.C., March 4, 2002, 1776-78, Section 6f [cited September 4, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8338.htm>.

children.³²⁵⁷ Insufficient data and awareness of the phenomenon of the commercial sexual exploitation of children persist.³²⁵⁸

Education is free and compulsory. The Education Act of 1994 established a nine-year compulsory school attendance. In 1998, the law was amended and a gradual change to 10 years was initiated.³²⁵⁹ In 1998, the gross primary enrollment rate was 101 percent.³²⁶⁰ Primary school attendance rates are unavailable for the Slovak Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³²⁶¹ Although official statistics are unavailable, it is believed that fewer Roma than Slovak children attend primary school.³²⁶² Roma children are also disproportionately placed in special schools for the mentally disabled, often because they lack sufficient knowledge of the Slovak language.³²⁶³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years. Children under the age of 15 may perform light work in cultural or artistic performances, sports events, and advertising activities as long as the work does not affect their health, safety, development, or full-time schooling. Permission to engage in light work may be allowed by the labor inspectorate with the agreement of a health protection body.³²⁶⁴ Children under the age of 16 years may not work underground or perform work that is inappropriate for their age or detrimental to their health.³²⁶⁵ Children under 16 may not work more than 30 hours per week, and children over age 16 are limited to 37.5 hours per week.³²⁶⁶

³²⁵⁷ Russian and Ukrainian girls are reportedly vulnerable to trafficking through Slovakia for the purpose of commercial sexual exploitation. See UN Convention on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Slovakia*, CRC/C/15/Add.140, United Nations, Geneva, October 23, 2000, para. 49.

³²⁵⁸ *Ibid.*, para. 49-50.

³²⁵⁹ Education Act No. 350/1994 was amended by Education Act No. 6/1998. See UNESCO, *EFA Country Report: Slovak Republic*, INNODATA, *Slovakia Country Report*, 2000 [cited August 26, 2002]; available from <http://www.ibe.unesco.org/International/databanks/Innodata/inno.htm>.

³²⁶⁰ Net primary enrollment rates are not available. See World Bank, *World Development Indicators 2002*.

³²⁶¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³²⁶² U.S. Embassy- Bratislava, *unclassified telegram no. 897*.

³²⁶³ This claim was being investigated in 2001 by the Ministry of Education. The Roma constitute the second largest ethnic minority in the Slovak Republic after Hungarians. U.S. Department of State, *Country Reports- 2001: Slovak Republic, 1770-75*, Section 5.

³²⁶⁴ Government of the Slovak Republic, *Labor Code Act*, Part 1, Article 11.

³²⁶⁵ *Ibid.*, Part 7, Article 175.

³²⁶⁶ *Ibid.*, Part 3, Article 85.

The Criminal Code prohibits the sale and trafficking of women, and these crimes can be penalized more severely when the victim is under the age of 18.³²⁶⁷ The Criminal Code prohibits the trafficking of children for the purpose of adoption, child labor or any other illegal purpose.³²⁶⁸ A person convicted of selling a child under the age of 15 for the purpose of prostitution can receive a penalty of up to 12 years imprisonment or by a fine.³²⁶⁹ Between January and September 2002, there were 32 convictions for trafficking in persons in the Slovak Republic.³²⁷⁰ The Constitution prohibits forced labor.³²⁷¹

The inspection section of the Ministry of Labor enforces the country's child labor laws.³²⁷² Child labor complaints are first received and investigated by the Ministry's district inspection units. If a violation of a child labor law is found to have occurred, the case is turned over to the national inspection unit. The government provides specific training to its inspectors on child labor laws and has published and distributed fliers explaining child labor laws and dangers and risks involved in employing minors.³²⁷³ In 1997, a special department was established in the Slovak Police Corps that deals specifically with crimes committed against children and juveniles, including commercial sexual exploitation.³²⁷⁴

The Government of the Slovak Republic ratified ILO Convention 138 on September 29, 1997, and ILO Convention 182 on December 20, 1999.³²⁷⁵

³²⁶⁷ Government of the Slovak Republic, *Criminal Code*, Article 204 and 46 [cited September 4, 2002]; available from <http://www.protectionproject.org/main1.htm>.

³²⁶⁸ *Criminal Code*, Article 216a.

³²⁶⁹ *Ibid.*, Article 204.

³²⁷⁰ Slovak Republic Ministry of Justice, *Assessment of the Trafficking in Persons Situation*, September 2002 as cited in U.S. Department of State official, electronic communication, February 11, 2003. Documentation from the Trafficking in Human Beings and Sexual Exploitation Unit at the Slovak Republic's Police Presidium showed that there were 17 cases of trafficking in human beings and two cases of trafficking in children under the Criminal Code in 2002. See U.S. Department of State official, electronic communication, February 11, 2003.

³²⁷¹ *Constitution of the Slovak Republic*, Article 18.

³²⁷² U.S. Embassy- Bratislava, *unclassified telegram no. 897*.

³²⁷³ *Ibid.*

³²⁷⁴ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Slovakia*, prepared by Government of the Slovak Republic, pursuant to Article 44 of the Convention on the Rights of the Child, August 17, 1998, Par. 66.

³²⁷⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited September 5, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Solomon Islands

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

The Government of the Solomon Islands is implementing a National Education Master Plan for 1999-2010 that includes provisions to improve the quality and relevance of education.³²⁷⁶

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 24.2 percent of children ages 10 to 14 years in the Solomon Islands were working.³²⁷⁷ There are reports of commercial sexual exploitation, but information on the extent of the problem is not available.³²⁷⁸ In the 1998 conflict between the dominant Malatians and the Guadalcanalese, the militant Guadalcanalese Isatabu Freedom Movement (IFM) reportedly included about 100 child soldiers aged 12 to 17 in its ranks.³²⁷⁹

Education in the Solomon Islands is not compulsory,³²⁸⁰ and school fees are reported to be very high in relation to local income.³²⁸¹ In 1996, the gross primary enrollment rate was 96.9 percent.³²⁸² However, other education data show that only 60 percent of school-age children have access to primary education.³²⁸³ Primary school attendance rates are unavailable for the Solomon Islands. While enrollment rates indicate a level of commitment to education, they do not always

³²⁷⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Solomon Islands*, prepared by Department of Education and Human Resource Development, pursuant to UN General Assembly Resolution 52/84, 1999, [cited August 30, 2002]; available from http://www2.unesco.org/wef/countryreports/solomon_islands/rapport_3.html.

³²⁷⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³²⁷⁸ ECPAT International, *Solomon Islands*, in ECPAT International, [database online] 2002 [cited August 30, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also Global March Against Child Labor, *Worst Forms of Child Labour: Solomon Islands*, [online] [cited August 30, 2002]; available from <http://www.globalmarch.org/worstformsreport/world/solomon-islands.htm>.

³²⁷⁹ According to Amnesty International, children between 12 and 17 made up at least a quarter of the IFM fighters manning roadblocks visited by its observers east of the town of Honiara in September 1999. See Amnesty International, *Solomon Islands: A Forgotten Conflict*, [online] 2000 [cited August 28, 2002]; available from <http://web.amnesty.org/ai.nsf/Index/ASA430052000?OpenDocument&of=COUNTRIES\SOLOMON+ISLANDS>. There is currently a fragile peace in the country, as the new government, the Coalition for National Unity, Reconciliation and Peace, has sought to maintain order. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Solomon Islands*, Washington, D.C., March 4, 2002, 1175-76, Introduction [cited December 17, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8376.htm>.

³²⁸⁰ UN Committee on Economic Social and Cultural Rights, *Review of the Implementation of CERD: Solomon Islands*, E/C.12/1/Add.33, Geneva, May 1999, [cited August 30, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.1.Add.33.En?opendocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.1.Add.33.En?opendocument).

³²⁸¹ U.S. Department of State, *Country Reports- 2001: Solomon Islands*, 1181-82, Section 5.

³²⁸² Net primary enrollment rates are unavailable for the Solomon Islands. See World Bank, *World Development Indicators 2002*.

³²⁸³ UN Committee on Economic Social and Cultural Rights, *Review of the Implementation of CERD: Solomon Islands*.

reflect children's participation in school.³²⁸⁴ The state of education is reported to have worsened in recent years, due to deteriorating infrastructure, a lack of financial resources, and a failure of the government to pay teachers.³²⁸⁵

Child Labor Laws and Enforcement

Children under the age of 12 are prohibited from heavy work, but they may participate in light agricultural or domestic labor (work performed in the company of their parents).³²⁸⁶ Children under the age of 15 are prohibited from working in industry or on ships, and children under the age of 18 may not work underground or in mines.³²⁸⁷ The Constitution prohibits slavery and forced labor.³²⁸⁸ The procurement of girls under 18 years of age for the purposes of prostitution is prohibited under the Penal Code, and is punishable with a maximum penalty of two years imprisonment.³²⁸⁹ There are no specific provisions criminalizing trafficking in persons.³²⁹⁰

The Labor Division of the Ministry of Commerce, Trade, and Industry is responsible for enforcing child labor laws,³²⁹¹ but information on the effectiveness of this division and other enforcement measures is not available.

The Government of the Solomon Islands has not ratified ILO Convention 138 or ILO Convention 182.³²⁹²

³²⁸⁴ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

³²⁸⁵ U.S. Department of State, *Country Reports- 2001: Solomon Islands*, 1181-82, Section 5.

³²⁸⁶ *Ibid.*, 1182-83, Section 6d.

³²⁸⁷ UN Committee on Economic Social and Cultural Rights, *Review of the Implementation of CERD: Solomon Islands*.

³²⁸⁸ *Constitution of the Solomon Islands, 1978*, [cited August 30, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Solomon_Islands_legislation/Solomons_Constitution.html.

³²⁸⁹ ECPAT International, *Solomon Islands*.

³²⁹⁰ *Ibid.*

³²⁹¹ U.S. Department of State, *Country Reports- 2001: Solomon Islands*, 1182-83, Section 6d.

³²⁹² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 17, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Somalia

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

Somalia has no national government and therefore no national policy or programs on child labor or education.³²⁹³ Since 1996 the international effort to improve education in Somalia has been coordinated by the Education Sectoral Committee of the Somalia Aid Coordination Body (SACB), made up of UN agencies, donors, and international NGOs.³²⁹⁴ The SACB has emphasized as its major goals improving access to education, improving learning conditions, enhancing teacher training, and creating a financially viable management capacity.³²⁹⁵ UNICEF provides in-service training of teachers, develops curricula, and supplies textbooks and other necessary educational material.³²⁹⁶ UNICEF, UNESCO and some NGOs have also distributed sets of textbooks and other instructional materials to a small number of Koranic schools in Somalia and have created a program to try to make Koranic schools supplement or substitute for formal primary education.³²⁹⁷ In 1999, the Somaliland authority drafted guidelines for its comprehensive education policy; however, no action had been taken on the policy by the end of 2001.³²⁹⁸

³²⁹³ The Transitional National Government, based in Mogadishu, represents Somalia in the United Nations and other international organizations. It has yet to establish its authority over most of the country and has little control over most government services, which are administered by provincial governments, if at all. See U.S. Department of State, *Background Note: Somalia*, April 2002, [cited September 19, 2002]; available from <http://www.state.gov/r/pa/ei/bgn/2863.htm>. See also UN Somalia, *Somalia History*, United Nations, [cited September 19, 2002]; available from <http://www.unsomalia.org/infocenter/history.htm>.

³²⁹⁴ Somalia Aid Coordination Body, *The Somalia Aid Coordination Body on the Net*, [cited September 23, 2002]; available from http://www.sacb.info/main_intro.htm.

³²⁹⁵ Somalia Aid Coordination Body, *SACB Education Sectoral Strategy*, [cited September 23, 2002]; available from <http://www.sacb.info/committees/education/SACB%20EDUCATION%20SECTORAL%20STRATEGY.doc>.

³²⁹⁶ *UNICEF Somalia Review Aug [sic] 2002*, ReliefWeb, 2002 [cited September 13, 2002]; available from <http://www.reliefweb.int/w/rwb.nsf/9ca65951ee22658ec125663300408599/b950cdab2144fb76c1256c31003dfa39?OpenDocument>.

³²⁹⁷ UNESCO, *Education for All 2000 Assessment: Country Reports- Somalia*, pursuant to UN General Assembly Resolution 52/84, 1999, [cited September 19, 2002]; available from http://www2.unesco.org/wef/countryreports/somalia/rapport_2.html.

³²⁹⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Somalia*, Washington, D.C., March 4, 2002, 597-98, Section 5 [cited December 17, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8403.htm>.

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 41.9 percent of children ages 5 to 14 years were working in Somalia.³²⁹⁹ Children are engaged in herding, agriculture and domestic labor.³³⁰⁰ In addition, children under age 15 have been recruited by militias, with boys as young as 10 years old serving as bodyguards for faction leaders.³³⁰¹ There also are reports of Somali children being trafficked for the purpose of forced labor.³³⁰²

Primary education is compulsory between the ages of 6 and 14 years.³³⁰³ The Transitional National Charter guarantees a free basic education up to secondary school;³³⁰⁴ however, 62 percent of schools in Somalia require families to pay fees, averaging USD 15.60 per year for each child.³³⁰⁵ In addition, many schools lack textbooks and running water.³³⁰⁶ In 1999, the gross primary enrollment rate was 9 percent, with 11.8 percent for boys and 6.3 percent for girls.³³⁰⁷ In 1999 UNICEF estimated that 58.4 percent of primary school-age children attended school, and 72.5 percent of children who had entered first grade actually reached the fifth grade.³³⁰⁸ Also according to UNICEF, only an estimated 10 percent of children aged 6 to 14 have access to formal

³²⁹⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Somalia, *Multiple Indicator Cluster Survey 2 (MICS2)*, UNICEF, [cited December 17, 2002]; available from <http://www.ucw-project.org>. See also UNICEF, *Somalia: List of Tables*, [online] [cited December 17, 2002]; available from <http://www.childinfo.org/MICS2/natlMICSrepz/Somalia/TablesFinal150101.pdf>.

³³⁰⁰ U.S. Department of State, *Country Reports- 2001: Somalia*, 598-99, Section 6d.

³³⁰¹ Ibid.

³³⁰² Ibid.

³³⁰³ UNESCO, *Somalia- Education System*, [cited September 12, 2002]; available from <http://www.unesco.org/iau/cd-data/so.rtf>.

³³⁰⁴ *Transitional National Charter*, Article 14, Section 3.

³³⁰⁵ UNESCO, *EFA 2000 Assessment: Somalia*.

³³⁰⁶ U.S. Department of State, *Country Reports- 2001: Somalia*, 597-98, Section 5.

³³⁰⁷ The enrollment figures came from responses to questionnaires for UNICEF's 1998-99 school survey data. In this study UNESCO defines a primary school as one for children ages 6 to 14. See UNESCO, *EFA 2000 Assessment: Somalia*.

³³⁰⁸ UNICEF's MICS2 study looked at children ages five and older in regard to education. According to UNICEF, 77 percent of children in the central-south of Somalia who entered grade one reached grade five as did 74 percent in the northeast and 80 percent in the northwest. See UNICEF, *Somalia: List of Tables*. See also Government of Somalia, *Multiple Indicator Cluster Survey 2*. NetAid, an NGO, estimates that "four out of every five children have no access to any schooling whatsoever." See NetAid, *Somalia- Concern*, NetAid.org, [online] [cited December 17, 2002]; available from http://www.netaid.org/projects/project_index.pt?project_id=10231. The U.S. Department of State's Human Rights Report also cites the 10-20 percent enrollment figure. See U.S. Department of State, *Country Reports- 2001: Somalia*, 597-98, Section 5.

schooling.³³⁰⁹ Many students attend Koranic schools, though these schools do not provide broad-based education.³³¹⁰

Child Labor Laws and Enforcement

Somalia has no national government and has no means for enforcing labor laws.³³¹¹ Somalia is not a member of the ILO and has therefore not ratified ILO Convention 138 or ILO Convention 182.³³¹²

³³⁰⁹ UNICEF, *Girls' Education in Somalia*, [online] [cited September 12, 2002]; available from <http://www.unicef.org/programme/girlseducation/action/cases/somalia.htm>.

³³¹⁰ *Emergency Updates- Somalia*, Save the Children- UK, 2002 [cited September 12, 2002]; available from http://savethechildren.org.uk/emergency_updates/Somalia.html. Two studies conducted by UNICEF in the late 1990s found that 59 percent of the children in the North West zones and 39 percent of the children in the North East zone attended Koranic school for two to two and one-half hours per day, usually for up to two years, between the ages of 4 and 10. See UNESCO, *EFA 2000 Assessment: Somalia*.

³³¹¹ U.S. Department of State, *Background Note: Somalia*. See also UN Somalia, *Somalia History*.

³³¹² ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

South Africa

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

The Government of South Africa has been a member of ILO-IPEC since 1997.³³¹³ In 1998, in response to a request from the South African Department of Labor (SADOL), ILO-IPEC began a program to support SADOL and Statistics South Africa with funding from USDOL to implement a comprehensive national survey on the nature and extent of child labor in South Africa.³³¹⁴ In 1999, the survey was conducted with technical assistance from ILO-IPEC's SIMPOC.³³¹⁵ ILO-IPEC, with USDOL funding, is also supporting government efforts to raise awareness on the issue of child labor and draft a policy paper to combat exploitative child labor.³³¹⁶

In 1998, SADOL facilitated the establishment of a national stakeholder forum known as the Child Labor Intersectoral Group (CLIG) that includes participation from the government, NGOs, trade unions, employers organizations, and international agencies. The CLIG coordinates services provided by the government and NGOs, raises awareness about child labor and the enforcement of child labor laws, and trains labor inspectors.³³¹⁷ The CLIG adopted the South African Child Labor Action Program, which was developed in February 1998³³¹⁸ and calls for the withdrawal of children from child labor and their integration into formal education.³³¹⁹ The Department of Welfare is a member of the CLIG and administers social safety net programs that help prevent children from entering the workforce.³³²⁰ The Minister of Welfare also set up a task force to

³³¹³ ILO-IPEC, *All About IPEC: Programme Countries*, [cited October 28, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³³¹⁴ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*, June 2000. See also ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Programme for Advocacy on the Elimination of Child Labour and the Protection of Working Children in the Republic of South Africa*, project document, ILO-IPEC, Geneva, July 1998.

³³¹⁵ Statistics South Africa, *Child Labor in South Africa: Surveys of Activities of Young People 1999 (Draft)*, 2000, tables, 1.

³³¹⁶ ILO-IPEC, *National Program to Eliminate Child Labor in South Africa*, project document, Geneva, 2000.

³³¹⁷ Before and after promulgating the Basic Conditions of Employment Act, the government coordinated ad hoc meetings with stakeholders involved in child labor issues. The CLIG formally developed from these ad hoc meetings. See Government of South Africa, *Implementation of the Convention on the Rights of the Child: South Africa's Supplement to the Initial Country Report*, January 2000, 56-57. SADOL convenes the CLIG, and there are 10 CLIG offices located in the provinces. See Fatima Bayat, South Africa Director of Minimum Standards, interview with USDOL official, July 26, 2000.

³³¹⁸ South Africa Department of Social Services and Population Development, *Network Against Child Labour (NACL): Background (Documents to be discussed at the Meeting of 17 January 2000)* (Johannesburg: 2000).

³³¹⁹ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

³³²⁰ South Africa Department of Social Services and Population Development, "Discussion Document in Relation to Child Labor in South Africa," in *Network Against Child Labour (NACL): Background (Documents to be discussed at the Meeting of 17 January 2000)* Johannesburg, 2000, 4-6.

develop a plan of action against the sexual exploitation of children,³³²¹ and the Government of South Africa created training for the police and judiciary on the commercial sexual exploitation of children.³³²² The Department of Labor has also included modules on child labor as part of its training initiatives for labor inspectors.³³²³ In 2001, South Africa's border police incorporated within their strategic plan the protection of women and children from trafficking.³³²⁴ A special Trafficking Unit also has been established at the Johannesburg airport.³³²⁵

The Network Against Child Labor (NACL) was established with the aim of ending the economic labor exploitation of children through awareness raising, advocacy, policymaking, research, networking, and legal and intersectoral interventions.³³²⁶ Other NGOs work with specialized child protection units of the police to remove children from the streets and provide them with a safe, nonexploitative environment.³³²⁷

The Government of South Africa has sought to address issues of inequity in its educational system by allocating more resources to the most deprived schools in its provinces and to predominantly black schools.³³²⁸ The National Curriculum 2005 Framework helps to bridge the gap in educational opportunities between privileged and underprivileged children by providing learning support materials to schools in a more equitable fashion, and by standardizing the content of training courses for teachers in all districts.³³²⁹

³³²¹ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

³³²² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: South Africa*, Washington, D.C., March 4, 2002, 625-29, Section 6d [cited December 17, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8404.htm>.

³³²³ In his speech, the Minister of Labor also noted that in addition to the Department of Labor, South Africa's Departments of Education, Social Development, Justice, the South Africa Police Service, and the Office of the Rights of the Child in the Presidency, play roles in addressing child labor in the country. The Honorable Minister of Labour Mr. M.M. Mdladlana, Speech at the Launch of the International Labour Organization's Third Global Report on a Future Without Child Labour, May 6, 2002, [cited September 17, 2002]; available from http://www.labour.gov.za/docs/sp/2002/may/06_mdladlana.htm.

³³²⁴ U.S. Department of State, *Country Reports- 2001: South Africa*, 625-29, Section 6f.

³³²⁵ U.S. Department of State official, electronic communication to USDOL official, January 29, 2003.

³³²⁶ South Africa Department of Social Services and Population Development, *Network Against Child Labour*.

³³²⁷ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

³³²⁸ In 1998, the government announced new funding directives to further these goals. These included new guidelines that required education departments to dedicate 60 percent of non-personnel and non-capital recurrent expenditures to the 40 percent of schools in their provinces that were in greatest need. In 1999-2000, the estimated total expenditure totaled approximately 21 percent of the government's total budget and 6.6 percent of GDP. See Government of South Africa- Department of Education, *Education for All: The South African Assessment Report*, Pretoria, March 2000, 26, 27, 32. See also U.S. Department of State, *Country Reports- 2001: South Africa*, 618-25, Section 5.

³³²⁹ Government of South Africa, *Implementation of the Convention on the Rights of the Child*, 45.

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the South Africa Statistical Agency, in cooperation with ILO-IPEC, estimated that 36 percent of children ages 5 to 17 years in South Africa were working.³³³⁰ Child labor occurs most often in the rural agricultural sector and the informal economy. Children work in commercial agriculture and on subsistence farms, as well as on small farms planting and harvesting vegetables, picking and packing fruit, and cutting flowers.³³³¹ Children are also found working as domestic servants in rural areas, especially on farms. Many of these children come from migrant populations.³³³² In urban areas, children work as street hawkers, especially around taxi stands and where public transportation is used.³³³³ There are reports that commercial sexual exploitation of children is growing.³³³⁴ As South Africa becomes an increasingly popular tourist destination, it has been reported that cities like Cape Town and Durban are becoming destinations for tourists seeking sex with minors.³³³⁵ South Africa is a destination country for trafficking in children for the purposes of prostitution.³³³⁶

The Constitution states that every child has a right to access basic education and may not be discriminated against on the basis of race.³³³⁷ The South African Schools Act of 1996 makes school compulsory for children ages 6 to 14 and prohibits public schools from refusing admission to any child on the grounds of disability, language, learning difficulty or pregnancy.³³³⁸ There are

³³³⁰ This statistic includes children who work at least three hours per week in economic activities (gathering wood and/or water; performing unpaid domestic work; or performing economic activities for pay, profit, or family gain), five hours per week in school labor (performing school maintenance, cleaning, or performing school improvement activities), and seven hours for household chores (working in the family home where the child's parent, grandparent, or spouse is present). The most common economic activity in which children are engaged is fetching wood and/or water from outside the home. See "Key Findings: The Definitions and Extent of Child Labor," in *Surveys of Activities of Young People 1999*.

³³³¹ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

³³³² *Ibid.*

³³³³ *Ibid.*

³³³⁴ U.S. Department of State, *Country Reports- 2001: South Africa*, 618-25, Section 5.

³³³⁵ South Africa National Council for Child and Family Welfare, *Report on the Commercial Sexual Exploitation of Children in South Africa*, June 9, 2000, 11. Children are also allegedly exploited sexually in return for the liquidation of family debts or to raise income for the family. See Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden*, 28 August 1996, ECPAT International, Bangkok, 2000, Section 3.4.

³³³⁶ U.S. Department of State, *Country Reports- 2001: South Africa*, 625-29, Section 6f. See also Protection Project, "South Africa," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, 490 [cited December 17, 2002]; available from <http://www.protectionproject.org>.

³³³⁷ See *Constitution of the Republic of South Africa, Act 200 of 1993, (January 25, 1994), Section 29(1)(a)*. From 1948 until the abolition of apartheid and resulting change in government policy (including the passage of a new Constitution), a succession of apartheid-driven policies resulted in social inequalities along racial lines, and black South Africans particularly were deprived of opportunities to access basic social services, including education. See Government of South Africa- Department of Education, *Education for All: South Africa*, 6.

³³³⁸ Government of South Africa- Department of Education, *Education for All: South Africa*, 8-9.

additional costs, however, such as school fees,³³³⁹ transportation and school uniforms that prevent some children from attending school.³³⁴⁰

In 1997, the gross primary school enrollment rate was 96.5 percent, and the net primary enrollment rate was 87.1 percent.³³⁴¹ The gross enrollment rate was higher for boys (98.3 percent) than for girls (86.3 percent), while the net enrollment rates for boys and girls was more even (87.9 percent and 86.3 percent, respectively).³³⁴² Primary school attendance rates are unavailable for South Africa. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³³⁴³

Child Labor Laws and Enforcement

The Constitution provides the right of every child, defined as a person under 18 years of age, to be protected from exploitative labor practices. It also prohibits children from performing work or providing services that are inappropriate for a child's age or that put at risk a child's well-being.³³⁴⁴ The Basic Conditions of Employment Act (BCEA) sets the minimum age of work at 15 years and prohibits employment of children who are under legal minimum school-leaving age if that is 15 years or older.³³⁴⁵ For children over age 15 and no longer subject to compulsory schooling, the BCEA allows for the Minister of Labor to set additional prohibitions or conditions on their employment.³³⁴⁶ The maximum penalty for illegally employing a child, according to the BCEA, is three years of imprisonment.³³⁴⁷ The Constitution and the BCEA prohibit all forms of forced

³³³⁹ U.S. Department of State official, electronic communication, January 29, 2003.

³³⁴⁰ U.S. Consulate- Johannesburg, *unclassified telegram no. 1245*, October 2001. Many schools also continue to face significant infrastructure and other problems that have a negative impact on the quality of education. See Government of South Africa- Department of Education, *Education for All: South Africa*, 38-39.

³³⁴¹ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³³⁴² *Ibid.*

³³⁴³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³³⁴⁴ *Constitution of the Republic of South Africa*, Section 28(1)(e), 28(1)(f), 28(1)(k).

³³⁴⁵ Republic of South Africa, "Basic Conditions of Employment Act, Act No. 75," *Republic of South Africa Government Gazette* (Capetown), 1997, Sections 43(1)(a)(b), 43(3), 93. See also Statement at the Launch of the International Labour Organization's Third Global Report. The Child Care Act also prohibits the employment of children under 15 years of age. See Government of the Republic of South Africa, *Child Care Act 74 of 1983*, Section 52A(5), (June 15, 1983). See also ILO-IPEC, *Green Paper on a National Child Labour Action Program (Draft)*, Geneva, October 20, 2000, 12-14.

³³⁴⁶ Republic of South Africa, "Basic Conditions of Employment Act," Section 44(1 and 2).

³³⁴⁷ *Ibid.*, Sections 43(1)(a)(b), 43(3), 44(2), 93.

labor.³³⁴⁸ The Constitution also prohibits the use of children under the age of 18 in armed conflicts.³³⁴⁹

Sexual Offences Act No. 23 of 1957 establishes prostitution as a criminal offense.³³⁵⁰ In 1999, the Government of South Africa amended the Child Care Bill to include a more comprehensive prohibition on the commercial sexual exploitation of children than provided for under the Sexual Offences Act of 1957. The bill sets a penalty of up to 10 years imprisonment for the commercial sexual exploitation of a child.³³⁵¹ Trafficking is not specifically prohibited by law.³³⁵²

The BCEA establishes SADOL as the primary government entity responsible for monitoring compliance with and enforcing South Africa's labor laws, including provisions on child labor. SADOL effectively enforces the minimum age law in the formal nonagricultural sector but less effectively in other sectors.³³⁵³ Enforcement of laws against child sexual exploitation is reported to be lax, and there are problems in investigating, charging, and sentencing offenders.³³⁵⁴

The Government of South Africa ratified ILO Convention 138 on March 30, 2000, and ILO Convention 182 on June 7, 2000.³³⁵⁵

³³⁴⁸ *Constitution of the Republic of South Africa*, Section 28(1)(e), 28(1)(f), 28(1)(k). Republic of South Africa, "Basic Conditions of Employment Act." In general, the BCEA does not apply to informal work unless it constitutes forced labor. See ILO-IPEC, *Green Paper*, 13. See also *Constitution of the Republic of South Africa*, Section 13.

³³⁴⁹ *Constitution of the Republic of South Africa*, Section 28(1)(k), 28(3).

³³⁵⁰ According to the Sexual Offences Act No. 23 of 1957, prostitution is an illegal activity for a person of any age, and as such, children can be arrested for prostitution under the act despite being victims of commercial sexual exploitation. Such cases, however, are generally referred by the Office of the National Director of Public Prosecutions to children's courts where a determination is made regarding a child's need for care and the prosecution of persons exploiting children may be pursued. See ILO-IPEC, *Green Paper*, 15.

³³⁵¹ *Child Care Amendment Bill (B 14-99)*, Section 50A.

³³⁵² U.S. Department of State, *Trafficking in Persons Report- 2002: South Africa*, Washington, D.C., June 5, 2002, 94 [cited December 17, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>.

³³⁵³ U.S. Department of State, *Country Reports- 2001: South Africa*, 625-29, Section 6d. See U.S. Consulate-Johannesburg, *unclassified telegram no. 1245*.

³³⁵⁴ Swedish International Development Agency, *Looking Back, Thinking Forward*, Section 3.4.

³³⁵⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 21, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Sri Lanka

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

The Government of Sri Lanka became a member of ILO-IPEC in 1996.³³⁵⁶ In 1998, the National Child Protection Authority (NCPA) was established under the Presidential Task Force as an oversight agency for the protection of children against any form of abuse.³³⁵⁷ In cooperation with the Ministry of Labor, the NCPA conducts training programs for judicial, labor, probation, and police officers to educate authorities dealing with child labor issues. The NCPA is working in consultation with the ILO, UNICEF, Save the Children UK, other NGOs, and the media to address the problem of child labor.³³⁵⁸ The Children's Charter, enacted in 1992, is the primary policy document that promotes the rights of the child.³³⁵⁹

The Department of Census and Statistics conducted a child activity survey in 1999.³³⁶⁰ A rapid assessment on the commercial sexual exploitation of children in Sri Lanka was carried out by the University of Ruhuna in 2000.³³⁶¹ The Department of Probation and Child Care Services provides protection to child victims of abuse and sexual exploitation and works with local NGOs that provide shelter.³³⁶² The NCPA established a rehabilitation center that provides vocational training and counseling services to child victims of the worst forms of child labor.³³⁶³ The Tourist Bureau conducts awareness-raising programs for at-risk children in resort regions prone to sex tourism.³³⁶⁴ Sri Lanka is part of an ILO-IPEC sub-regional project funded by USDOL to combat trafficking in South Asia. Other international and local NGOs are working towards eradicating child labor and

³³⁵⁶ The ILO-IPEC programs focus on capacity building and research; policy, law, and enforcement; awareness raising; and direct action for prevention, withdrawal, rehabilitation, and protection of children from child labor. Ministry of Education and Labor of the Government of Sri Lanka, *Sri Lanka*, ILO-IPEC, [online] [cited November 14, 2002]; available from <http://www.labour.gov.lk/documents/3ilotpec.htm>.

³³⁵⁷ Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/10_Chap.htm.

³³⁵⁸ U.S. Embassy- Colombo, *unclassified telegram no. 1719*, September 2001.

³³⁵⁹ The Children's Charter represents the provisions of the UN Convention of the Rights of the Child (CRC). A monitoring committee was established to promote legal reforms and monitor the government's commitment to the CRC. See Save the Children- UK, *Country Report- Sri Lanka*, 2001 [cited September 6, 2002]; available from http://www.savethechildren.org.uk/development/reg_pub/country_reports?SriLanka_2001.pdf.

³³⁶⁰ The survey was carried out with the technical assistance from ILO-IPEC's SIMPOC. See Department of Census and Statistics, *Summary of Findings of Child Labor Survey in Sri Lanka*, Government of Sri Lanka, 1999 [cited October 28, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/report/srilan99/indexpr.htm>.

³³⁶¹ The rapid assessment was funded by USDOL and technical assistance from ILO-IPEC's SIMPOC as part of a project that conducted 38 rapid assessments of the worst forms of child labor in 19 countries and one border area. See Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002.

³³⁶² The Department comes under the Ministry of Social Services. See *Ibid.*, 16.

³³⁶³ U.S. Embassy- Colombo, *unclassified telegram no. 1719*.

³³⁶⁴ The Bureau comes under the Ministry of Tourism. See *Ibid.*

sexual exploitation of children.³³⁶⁵ The government collaborates with UNICEF and other NGOs in and effort to mitigate the impact of civil war on children.³³⁶⁶

Incidence and Nature of Child Labor

In 1999, the child activity survey conducted by the Department of Census and Statistics estimated that 15 percent of children ages 5 to 14 years in Sri Lanka were working.³³⁶⁷ According to the survey, the majority of working children are in the agricultural sector.³³⁶⁸ Children are also found working in the manufacturing, hotel and trade industries, and working as craft workers, street peddlers, and domestic servants.³³⁶⁹

Child prostitution and trafficking of children for exploitative work exist in Sri Lanka.³³⁷⁰ Children are primarily trafficked internally to work as domestic laborers and for the purposes of sexual exploitation, especially at tourist destinations.³³⁷¹ The government estimates that there are more than 2,000 active child prostitutes in the country, and private groups claim higher numbers.³³⁷² Reports indicate that children have been forcibly recruited to serve as child soldiers by the Liberation Tigers of Tamil Eelam (LTTE).³³⁷³ NGOs claim boys and girls, some as young as 12

³³⁶⁵ ILO-IPEC, *South Asian Sub-Regional Programme to Combat the Trafficking of Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka*, project document, RAS/00/05/010, Geneva, February 2000. A phase two of this project began in October 2002. Organizations working to combat child labor and sexual exploitation of children include ILO/IPEC, UNICEF, UNHCR, Redd Barna, Save the Children (UK), Swedish International Development Cooperation (SIDA), Sarvodaya Suwasetha Sangamaya, Don Bosco Technical Training Center, Community Health Foundation, Social Economic and Development Center, Eradicating Sexual Child Abuse, Prostitution and Exploitation, and Protecting Environment and Children Everywhere. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17-20.

³³⁶⁶ H.E. Chandrika Bandaranaike Kumaratunga, President of Sri Lanka, Statement at the United Nations Special Session on Children, May 8, 2002.

³³⁶⁷ For purposes of this survey, working children were considered to be children who were paid employees, self-employed and those who work in a family enterprise without payment, excluding housekeeping activities. Approximately 7.5 percent (69,064) of the 926,038 working children ages 5 to 17 years were in full-time employment, while an estimated 67.1 percent (621,705) of working children combined work with school and household activity. See Department of Census and Statistics, *Summary of Findings*.

³³⁶⁸ Sixty-four percent of working children between 5 and 17 years were found in the agricultural sector. Children working in the agricultural sector include child employees on farms or unpaid child workers helping in family enterprises. See *Ibid*.

³³⁶⁹ *Ibid*.

³³⁷⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Sri Lanka*, Washington, D.C., March 4, 2002, 2551-57, Sections 5 and 6 [cited December 17, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8241.htm>.

³³⁷¹ ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Sri Lanka* [CD-ROM], Manila, 2001. See also Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*.

³³⁷² U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2551-53, Section 5.

³³⁷³ For nearly two decades, the Government of Sri Lanka has fought the LTTE, an armed group that is fighting for a separate ethnic Tamil state in the north and east of the island. *Ibid*. See also U.S. Embassy- Colombo, *unclassified telegram no. 1719*.

years old, are recruited by the LTTE; children that have disappeared are feared to have been conscripted.³³⁷⁴ In September 2002, UNICEF aided 85 child recruits released by the LTTE to return to their parents or guardians.³³⁷⁵

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is free and compulsory for children between the ages of 5 and 14.³³⁷⁶ In 1998, the gross primary enrollment rate was 111 percent, and the net primary enrollment rate was 101.7 percent.³³⁷⁷ Primary school attendance rates are unavailable for Sri Lanka. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³³⁷⁸

Child Labor Laws and Enforcement

Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.³³⁷⁹ The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.³³⁸⁰ The Employment of Women, Young Persons, and Children Act No. 47 of 1956, Article 58, prohibits work by children that may be injurious, the work of children under the age of 12 during school hours, and the night work of children under 18 years in industrial settings.³³⁸¹ In January 2000, Parliament repealed a regulation permitting domestic employment for children as young as 12 years old.³³⁸² Forced labor is prohibited under the Abolition of Slavery

³³⁷⁴ Coalition to Stop the Use of Child Soldiers, "Red Hand Day," *Newsletter*, February 12, 2001. See also Amnesty International, "Sri Lanka Country Report," in *Amnesty International Report 2002*, 2002, [cited September 6, 2002]; available from <http://www.amnesty.org>.

³³⁷⁵ "Tamil Tigers Release Child Recruits," *BBC World Service*, September 11, 2002.

³³⁷⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Sri Lanka*, prepared by Ministry of Education and Higher Education, pursuant to UN General Assembly Resolution 52/84, 2000, Section 2.1.5 [cited October 28, 2002]; available from http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html. Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/9_1_Chap.htm.

³³⁷⁷ Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³³⁷⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³³⁷⁹ The law allows younger children to be employed by their parents or guardians for limited work in agriculture. See U.S. Embassy- Sri Lanka, letter to USDOL official, September 21, 2000.

³³⁸⁰ Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/4_4_Chap.htm.

³³⁸¹ Persons in violation of this Act may be subject to fines of up to 1,000 rupees (USD 11), a period of imprisonment not to exceed six months, or some combination of both. Special provisions under this Act are applied to children working at sea. Except in the case of family work or apprenticeship programs, children are not allowed to work at sea. The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. See Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act No. 47 of 1956*, [cited October 28, 2002]; available from http://www.labour.gov.lk/documents/4_5_Chap.htm. For currency conversion, see FX Converter, [online] [cited December 17, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

³³⁸² U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2553-57, Section 6d.

Ordinance of 1844.³³⁸³ The Penal Code contains provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.³³⁸⁴ The minimum age for recruitment into the armed forces is 18 years old.³³⁸⁵

The NCPA is the central agency for coordinating and monitoring action on the protection of children.³³⁸⁶ The Sri Lankan Department of Labor, the Department of Probation and Child Care Services and the Police Department are responsible for the enforcement of child labor laws that are under their respective jurisdictions.³³⁸⁷ In 2000, a total of 194 complaints on child labor violations were reported by the Department of Labor, of which 7 were prosecuted and 79 were dismissed because of lack of evidence or faulty grievances. In the first eight months of 2001, the Department of Labor reported 199 complaints, with 48 cases withdrawn and 40 prosecuted.³³⁸⁸

As a Member State of the South Asian Association for Regional Cooperation, Sri Lanka signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.³³⁸⁹

The Government of Sri Lanka ratified ILO Convention 138 on February 11, 2000, and ILO Convention 182 on March 1, 2001.³³⁹⁰

³³⁸³ U.S. Embassy- Sri Lanka, letter to USDOL official, November 8, 2001. See also U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2553-57, Section 6c.

³³⁸⁴ Government of Sri Lanka, *Penal Code (Amendment)*, 1995, Act no. 22. See also Government of Sri Lanka, *Penal Code (Amendment)*, 1998, Act no. 29.

³³⁸⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, [online] 2002 [cited November 14, 2002], 90; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/Document/CHILD%20SOLDIERS%201379%20REPORT%20CONTENTS%20\(2002\)?OpenDocument](http://www.child-soldiers.org/cs/childsoldiers.nsf/Document/CHILD%20SOLDIERS%201379%20REPORT%20CONTENTS%20(2002)?OpenDocument).

³³⁸⁶ ILO, *The ILO-Japan Asian Meeting*. See also U.S. Embassy- Colombo, *unclassified telegram no. 1719*.

³³⁸⁷ U.S. Embassy- Sri Lanka, letter, November 8, 2001.

³³⁸⁸ U.S. Embassy- Colombo, *unclassified telegram no. 1719*. See also U.S. Department of State, *Country Reports- 2001: Sri Lanka*, 2553-57, Section 6d.

³³⁸⁹ Under this convention, the governments commit themselves to regional cooperation to address various aspects of prevention and criminalization of the trafficking of women and children for commercial sexual exploitation, and repatriation and rehabilitation of victims of trafficking. Each member state government has yet to ratify the convention. See South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit Held in Kathmandu*, press release, January 9, 2002, [cited December 17, 2002]; available from <http://www.saarc-sec.org/>.

³³⁹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 28, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Suriname

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

The Government of Suriname recently launched its Policy Plan Concerning Children 2002-2006, which addresses the worst forms of child labor and child policy in general.³³⁹¹ In 2001, the ILO initiated a project to identify, eliminate and prevent the worst forms of child labor in the English and Dutch-speaking Caribbean through the development of national and sub-regional capacities to implement ILO Convention 182. A survey to assess the child labor situation in Suriname began early in 2002.³³⁹² The Government Bureau for Child Rights, which became operational in June 2001,³³⁹³ works with UNICEF to address the violation of children's rights and to promote educational opportunities.³³⁹⁴ In 1998, the Government of Suriname conducted a broad survey in order to collect information on the extent, nature, conditions, and causes of child labor.³³⁹⁵

The Justice Department has conducted an inventory of 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.³³⁹⁶ 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 about child rights and child abuse. This exercise is now a standard component of police cadet training.³³⁹⁷ The Ministry of Social Affairs and Housing provides general child allowances, free medical care, and subsidies for school uniforms, shoes, and learning material for targeted low-income households.³³⁹⁸

³³⁹¹ 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.

³³⁹² ILO-IPEC, *Major ILO Donor-funded Projects: Identification, Elimination and Prevention of the Worst Forms of Child Labour in the Anglophone- and Dutch-Speaking Caribbean*, ILO Caribbean Office and Multidisciplinary Advisory Team, [online] [cited November 22, 2001]; available from http://www.ilocarib.org.tt/system_links/projects.htm.

³³⁹³ ECPAT International, *Suriname*, in ECPAT International, [database online] 2002 [cited September 5, 2002], "Protection"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³³⁹⁴ U.S. Embassy- Paramaribo, *unclassified telegram no. 810*, October 2001.

³³⁹⁵ Arnold Halfhide, Ambassador, Embassy of the Republic of Suriname, letter to USDOL official, November 29, 2000.

³³⁹⁶ ECPAT International, *Suriname*, "Protection".

³³⁹⁷ *Ibid.*

³³⁹⁸ UNICEF, *National Report on Follow-up to the World Summit on Children: Suriname*, 2001, 22 [cited September 5, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_suriname_en.PDF.

Incidence and Nature of Child Labor

In 2000, the ILO reported that less than 1 percent of children ages 10 to 14 years in Suriname were working.³³⁹⁹ Reports indicate that children work mainly in the informal sector and are engaged in street work as newspaper or fruit and snack vendors. Children also work in market places, supermarkets and other enterprises.³⁴⁰⁰ Children are also reported to work in the mining sector.³⁴⁰¹

Child trafficking and sexual exploitation reportedly occur in Suriname.³⁴⁰² Increasing numbers of street children are working in the commercial sex industry in the capital city, Paramaribo,³⁴⁰³ and girls are also exploited sexually in gold mining areas in the interior.³⁴⁰⁴ In addition, there have been reported cases of pornography involving girls.³⁴⁰⁵ Suriname is also a transit country for smuggling Chinese and Indian children to the United States, often to enter into bonded labor situations.³⁴⁰⁶

Under the Compulsory School Attendance Act, children in Suriname must be provided with the opportunity to attend school between ages 7 and 12.³⁴⁰⁷ In 2000, the net primary attendance rate was 77.5 percent. School attendance in the rural interior, which was 61.2 percent, is significantly lower than in the rest of the country.³⁴⁰⁸ The main problems in the education system are high levels

³³⁹⁹ According to the ILO, 0.4 percent of children were working. World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁴⁰⁰ ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Part II- Compilation of Annual Reports by the International Labor Office*, International Labor Organization Governing Body, Geneva, March 2002, 3.

³⁴⁰¹ ILO, *The effective abolition of child labour: Suriname*, 2001, [cited September 5, 2002]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

³⁴⁰² U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Suriname*, Washington, D.C., March 4, 2002, 3048-50, Section 5 [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8235.htm>. See also U.S. Embassy- Paramaribo, *unclassified telegram no. 977*, October 2002. See also Halfhide, letter, November 29, 2000.

³⁴⁰³ ILO, *Review of Annual Reports*, 3.

³⁴⁰⁴ U.S. Department of State, *Country Reports- 2001: Suriname*, 3048-50, Section 5. See also Halfhide, letter, November 29, 2000.

³⁴⁰⁵ ECPAT International, *Suriname*, "Child Pornography".

³⁴⁰⁶ U.S. Embassy- Paramaribo, *unclassified telegram no. 977*. See also U.S. Department of State, *Country Reports- 2001: Suriname*, 3050-51, Section 6f.

³⁴⁰⁷ 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, Section VII A, Par. 118 [cited October 4, 2002]; available from <http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-28-add11.htm>.

³⁴⁰⁸ Government of Suriname, *Multiple Indicator Cluster Survey 2- Suriname: Final Report (draft)*, UNICEF, April 16, 2001, 6 [cited September 5, 2002]; available from <http://www.childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm>.

of centralization, low quality, and high dropout and repetition rates.³⁴⁰⁹ In addition, language poses a key problem since school is taught in Dutch and many students do not speak Dutch at home.³⁴¹⁰ Although the government covers the majority of primary school costs, parents must pay school registration fees and provide school supplies and uniforms, which are barriers to education for poor and large families.³⁴¹¹ Some school-age children are unable to attend school because they lack transportation, school facilities, or teachers.³⁴¹² Facing increasing economic pressures, children reportedly discontinue their education in order to work.³⁴¹³

Child Labor Laws and Enforcement

The minimum age for employment of children in Suriname is set at 14 years by the Labour Act.³⁴¹⁴ Under Article 18 of the Labor Act, children who have reached age 12 may work if it is necessary for training or is specifically designed for children, does not require much physical or mental exertion, and is not dangerous.³⁴¹⁵ Article 20 of the Labor Act prohibits children from performing night work or work that is dangerous to their health, life or morals.³⁴¹⁶

The Constitution prohibits forced labor.³⁴¹⁷ Prostitution is illegal, but this law is not enforced.³⁴¹⁸ The legal age for sexual consent is 14 years.³⁴¹⁹

The country's Labor Inspection Office, in cooperation with the Juvenile Police Division, enforces child labor laws.³⁴²⁰ Although the government has enacted laws to combat child labor, the legal provisions for implementation of all child labor laws are not yet in place,³⁴²¹ and enforcement remedies are not adequate, partly because there are too few labor inspectors and a penalty structure

³⁴⁰⁹ Inter-American Development Bank, *Profile I- Suriname: Support for Primary Education*, project document, February 10, 2000, 2, 4 [cited September 5, 2002]; available from <http://www.iadb.org/EXR/doc98/pro/psu0023.pdf>.

³⁴¹⁰ *Ibid.*, 4.

³⁴¹¹ U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

³⁴¹² U.S. Department of State, *Country Reports- 2001: Suriname*, 3048-50, Section 5.

³⁴¹³ U.S. Embassy- Paramaribo, *unclassified telegram no. 977*.

³⁴¹⁴ U.S. Embassy- Paramaribo, *unclassified telegram no. 810*. See also Department of Labour, Development, and Environment, *Request for Information*.

³⁴¹⁵ Halfhide, letter, November 29, 2000.

³⁴¹⁶ *Ibid.*

³⁴¹⁷ *Constitution of Suriname 1987, with 1992 reforms*, Article 15 [cited October 4, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html>.

³⁴¹⁸ U.S. Embassy- Paramaribo, *unclassified telegram no. 977*.

³⁴¹⁹ The Asian Marriage Law sets the legal age for sexual consent for children of Asian descent at 13 years for girls and 15 years for boys. *Ibid.*

³⁴²⁰ U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

³⁴²¹ According to government sources, the mechanisms for enforcing Articles 18 and 20 are not yet in place. See Halfhide, letter, November 29, 2000.

that fails to deter employers.³⁴²² About 200 labor inspections are conducted in Suriname annually, but no penalties for child labor violations have been issued, only warnings.³⁴²³

The Government of Suriname has not ratified ILO Convention 138 or ILO Convention 182.³⁴²⁴

³⁴²² U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

³⁴²³ Ibid.

³⁴²⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 4, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Swaziland

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

In 1992,³⁴²⁵ the Government of the Kingdom of Swaziland announced a National Program of Action for children for 1993 to 2000. The program involved the formation of government committees on children's issues.³⁴²⁶ The program addressed most articles of the UN Convention on the Rights of the Child except free and compulsory education, which the government cannot ensure due to financial constraints.³⁴²⁷ In 2002, the government established a Children's Unit to promote and protect child rights. The unit collaborates with law enforcement on child protections 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.³⁴²⁸

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12.3 percent of children ages 10 to 14 years were working.³⁴²⁹ Children work in agriculture (particularly in the cotton-growing region), and as domestics, herders and street workers.³⁴³⁰ There are reports that Mozambican girls have been involved in child prostitution in Swaziland.³⁴³¹

Education is neither free nor compulsory in Swaziland. The Ministry of Education pays teacher salaries, while student fees and money raised from the community pay for costs such as building upkeep and teacher housing.³⁴³² In 1998, the gross primary school enrollment rate was 117.4

³⁴²⁵ UNICEF and Government of Swaziland Ministry of Education, "The National Programme of Action for the Children of Swaziland 1993-2000," in *Common Country Assessment- Swaziland*, ed. M.D. McDermott Mbabane: Environmental Consulting Services, 1997, Chapter 4 [cited August 30, 2002]; available from http://www.ecs.co.sz/cca/cca_4.htm.

³⁴²⁶ The Honorable Dr. Phetsile Dlamini, Minister of Health and Social Welfare, Statement at the United Nations Special Session on Children, May 10, 2002, [cited December 18, 2002]; available from <http://www.un.org/ga/children/swazilandE.htm>.

³⁴²⁷ UNICEF and Government of Swaziland Ministry of Education, "The National Programme of Action."

³⁴²⁸ Statement at the United Nations Special Session on Children.

³⁴²⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. See also UNICEF, *Statistics*, [cited August 30, 2002]; available from <http://www.childinfo.org/eddb/work/edu1.htm>. See Government of Swaziland, *Multiple Indicator Cluster Survey Model: Full Report*, 2000, 25.

³⁴³⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Swaziland*, Washington, D.C., March 4, 2002, 665-68, Sections 5 and 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8406.htm>. See also UNICEF and Government of Swaziland Ministry of Education, "The National Programme of Action."

³⁴³¹ U.S. Department of State, *Country Reports- 2001: Swaziland*, 666-68, Section 6d.

³⁴³² *Ibid.*, 665-66, Section 5.

percent, and the net primary school enrollment rate was 76.8 percent.³⁴³³ In 1996, Swaziland spent 8.6 percent of GDP per capita on primary education.³⁴³⁴ The government pays teachers' salaries but families must pay for books, building upkeep and teacher housing.³⁴³⁵

Child Labor Laws and Enforcement

The Employment Act of 1980 sets the minimum age of employment at 15 years for non-hazardous industrial work, although children may work in the commercial sector beginning at age 13.³⁴³⁶ Employment of children under 18 years is not permitted in mines, quarries or underground work, or in any sector that is dangerous to their safety or health.³⁴³⁷ The law allows children under 15 to work in family industrial enterprises or in technical schools under supervision, and limits children to six hours of work per day and 33 hours per week.³⁴³⁸ The Ministry of Labor is responsible for enforcing child labor laws, but its effectiveness is limited by a lack of personnel.³⁴³⁹

The Criminal Code prohibits the procurement of a child for purposes of prostitution.³⁴⁴⁰ There is no law prohibiting trafficking in persons.³⁴⁴¹

The Government of Swaziland ratified ILO Convention 138 and ILO Convention 182 on October 23, 2002.³⁴⁴²

³⁴³³ World Bank, *World Development Indicators 2002*. In 1996 the government reported a 90.6 percent primary school attendance rate. See also Government of Swaziland, *Multiple Indicator Cluster Survey*, 11.

³⁴³⁴ Government of Swaziland, *Multiple Indicator Cluster Survey*.

³⁴³⁵ U.S. Department of State, *Country Reports- 2001: Swaziland*, 665-66, Section 5.

³⁴³⁶ ILO-IPEC, *Child Labour: Targeting the Intolerable*, Geneva, 1998, Report VI(1) [cited August 30, 2002]; available from <http://www.ilo.org/public/english/comp/child/publ/target/target.pdf>.

³⁴³⁷ Ibid.

³⁴³⁸ U.S. Department of State, *Country Reports- 2001: Swaziland*, 666-68, Section 6d.

³⁴³⁹ Ibid.

³⁴⁴⁰ Protection Project, "Swaziland," in *Human Rights Report on the Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 30, 2002]; available from <http://www.protectionproject.org>.

³⁴⁴¹ U.S. Department of State, *Country Reports- 2001: Swaziland*, 666-68, Section 6f.

³⁴⁴² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 18, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Tanzania

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

The Government of Tanzania became a member of ILO-IPEC in 1994. Since 1995, ILO-IPEC has implemented 40 action programs in Tanzania to address child labor.³⁴⁴³ A number of government ministries have established child labor units, including the Ministry of Labor, Youth Development and Sports; the Bureau of Statistics; and the Department of Information Services.³⁴⁴⁴ ILO-IPEC has worked with the Ministry of Labor, Youth Development and Sports in providing training on child labor issues for labor inspectors to support them in reporting on the incidence of hazardous forms of child labor.³⁴⁴⁵ The Ministry of Community Development, Women Affairs and Children, with support from ILO-IPEC, has provided training to community development workers to enhance their capacity to include child labor in district-level community development plans.³⁴⁴⁶ The Ministry of Community Development, the Ministry of Health, the Ministry of Education and Culture, and various municipal authorities have also collaborated in an ILO-IPEC supported project run by the Kiota Women Health and Development Organization that focuses on prevention, withdrawal and rehabilitation of girls engaged in prostitution.³⁴⁴⁷

In 2000, Tanzania joined four other countries participating in an ILO-IPEC program, funded by USDOL, to remove children from exploitative work in commercial agriculture.³⁴⁴⁸ The government in 2000 also conducted a child labor survey with technical assistance from ILO-IPEC's SIMPOC.³⁴⁴⁹ In June 2001, the Government of Tanzania announced that it would initiate an ILO-IPEC Time-Bound Program, a comprehensive, national level project to eliminate the worst forms of child labor over a defined period. The first phase of this project, with funding from USDOL, aims to eliminate child labor in the commercial sex sector, mining, abusive forms of domestic work, and

³⁴⁴³ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labour*, Geneva, 2001, 13, 14.

³⁴⁴⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Tanzania*, Washington, D.C., March 4, 2002, 687-90, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8407.htm>.

³⁴⁴⁵ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labor*, 14.

³⁴⁴⁶ Ibid.

³⁴⁴⁷ Kiwihede, *Annual Activity Report for the Year 1999-2000*, Kiota Women Health and Development Organisation, Dar es Salaam, 2000, 8-9. See also Casmir Ndambalilo, "Kiwihede Gets Cash Boost to Help Girls," *Sunday Observer*, [cited November 15, 2002]; available from <http://www.ippmedia.com/observer/2002/11/10/observer2.asp>.

³⁴⁴⁸ ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agricultural Sector in Africa*, program document, November 1, 2000.

³⁴⁴⁹ ILO-IPEC, *SIMPOC Countries*, [online] [cited February 26, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm>.

commercial agriculture in 11 districts by 2010.³⁴⁵⁰ In September 2002, the Tanzanian Ministry of Labor, Youth Development and Sports and the Ministry of Education and Culture signed a letter of agreement with USDOL expressing support for the Time-Bound Program, noting the U.S. Government's funding of grants to ILO-IPEC and the Education Development Center in Tanzania in support of this initiative.³⁴⁵¹ The Government of Tanzania has included elimination of child labor as an objective of its draft Poverty Reduction Strategy Plan (PRSP) and has included preparation of a child labor action plan in its PRSP workplan.³⁴⁵²

Tanzania's Basic Education Master Plan (BEMP) aims to achieve universal access to basic education for children over the age of 7, and ensure that at least 80 percent of children complete primary education and are able to read and write by the age of 15.³⁴⁵³ Under the BEMP, the government abolished school fees to promote children's enrollment in primary school.³⁴⁵⁴ With support from UNICEF, the Ministry of Education and Culture has launched a three-year program to help reintegrate children who have dropped out of the system into schools.³⁴⁵⁵ The Ministry of Education has launched a Community Education Fund with World Bank support to improve the school infrastructure.³⁴⁵⁶ Through the Primary Education Development Program, the World Bank is supporting Government of Tanzania efforts to improve education quality, enhance access to schooling and increase school retention at the primary level.³⁴⁵⁷ In January 2002, the government introduced a grant to support the building and improvement of classrooms that amounts to the provision of USD 400 per school per year on average.³⁴⁵⁸ In 1997, Tanzania joined ILO-IPEC's

³⁴⁵⁰ ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in Tanzania*, project document, Geneva, 2001, vii and 27. See President of the United Republic of Tanzania, His Excellency Mr. Benjamin Mkapa, Address at the Special High-level Session on the Launch of the Time Bound Programme on the Worst Forms of Child Labour in the Republic of El Salvador, the Kingdom of Nepal and the United Republic of Tanzania, June 12, 2001, [cited December 18, 2002]; available from <http://www.ilo.org/public/english/standards/relm/ilc/ilc89/a-mkapa.htm>.

³⁴⁵¹ Ministry of Labor, Letter of Agreement Between the U.S. Department of Labor and the Tanzania Ministry of Education and Culture and the Ministry of Labor, Youth Development, and Sports Regarding the USDOL Child Labor and Education Initiative, September 11, 2002. U.S. Embassy- Dar es Salaam, *U.S. Labour Department Funds Education Program to Combat Child Labor in Tanzania*, September 10, 2002. See U.S. Embassy- Dar es Salaam, *unclassified telegram no. 0617*, October 23, 2002.

³⁴⁵² United Republic of Tanzania, *Poverty Reduction Strategy Paper: Progress Report 2000/2001*, August 14, 2001, 4.

³⁴⁵³ 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, 2.2 [cited December 18, 2002]; available from <http://www2.unesco.org/wef/countryreports/tanzania/contents.html>.

³⁴⁵⁴ United Republic of Tanzania, letter to USDOL official, October 4, 2002.

³⁴⁵⁵ Christine Minja-Trupin and Michael Trupin, *Time Bound Programme on the Worst Forms of Child Labour in Tanzania: Summary Report of the National Round Table-Prepared for the International Labour Organisation/ International Programme for the Elimination of Child Labour*, Local Perspective Ltd., Dar es Salaam, May 2001, 16.

³⁴⁵⁶ Ibid.

³⁴⁵⁷ World Bank, *Tanzania: Primary Education Development Program*, October 10, 2001, [cited November 15, 2002]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20027012~menuPK:34470~pagePK:40651~piPK:40653~theSitePK:4607,00.html>.

³⁴⁵⁸ United Republic of Tanzania, letter, October 4, 2002.

Action Against Child Labor through the Education and Training Project, which has mobilized teachers, educators and their organizations, and the general public to launch campaigns against child labor at the local and national levels.³⁴⁵⁹

With funding from USAID, the Government of Tanzania in 1998 launched the Social Action Trust Fund (SATF), which provides grants to community groups and NGOs that work with victims of HIV/AIDS and their families. SATF grants have provided assistance to 13,525 AIDS orphans in 14 regions, supporting primary and secondary education for children who were unable to pay school fees and uniform and book costs because of the loss of their parents to AIDS.³⁴⁶⁰ HIV/AIDS has led to many children being orphaned and left vulnerable to child labor because of the need to provide for themselves.³⁴⁶¹

Under its PRSP, Tanzania established an Education Fund to support children from poor families.³⁴⁶² Tanzania has also identified education as a strategy for combating poverty under its Development Vision 2025 and its Poverty Eradication Strategy 2015. The country's poverty eradication agenda includes ensuring all children the right to basic quality education.³⁴⁶³

Incidence and Nature of Child Labor

In 2001, a child labor survey conducted by the Tanzania Ministry of Labor, Youth Development and Sports, in cooperation with ILO-IPEC, estimated that 4.1 million out of an estimated 10.2 million children ages 5 to 14 years in Tanzania were not in school, and that nearly 4 million of these children were working.³⁴⁶⁴ Approximately 27 percent of working children are ages 5 to 9, and 44 percent are ages 10 to 14.³⁴⁶⁵ In rural areas an estimated 34 percent of children work compared to 11 percent of children who work in urban areas.³⁴⁶⁶

³⁴⁵⁹ ILO-IPEC, *Action Against the Worst Forms of Child Labour through Education and Training*, outline paper, Geneva, January 1999, 6-7. See also ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labor*, 19.

³⁴⁶⁰ USAID, *Social Action Trust Fund Provides Credit for Entrepreneurs and Education for Orphans*, [cited November 15, 2002]; available from http://www.usaid.gov/regions/afr/success_stories/tanzania.html.

³⁴⁶¹ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labor*, 12.

³⁴⁶² United Republic of Tanzania, *Poverty Reduction Strategy Paper*, 4, 43.

³⁴⁶³ UNESCO, *EFA Country Report: Tanzania*.

³⁴⁶⁴ This 4 million figure is based on a definition that includes housekeeping and economic activities by children. ILO-IPEC, *Supporting the Time-Bound Program*, 3. Statistics on the number of working children refer to "usual" work activities for children who worked during the 12-month reference period. Forty percent of children surveyed reported to have worked in the past seven days. See also Minja-Trupin and Trupin, *Time Bound Programme on the Worst Forms of Child Labour in Tanzania: Summary Report*, 6.

³⁴⁶⁵ Statistics on the number of working children refer to "current" work activities for children who worked during the last week of the reference period. The number of children who were currently working was 3.4 million. Statistics measuring "usual" work activities during the 12-month reference period by age or location are unavailable. See *Time-Bound Program: Tanzania* [CD-ROM].

³⁴⁶⁶ Ibid.

Children work on commercial tea,³⁴⁶⁷ coffee,³⁴⁶⁸ sugar cane,³⁴⁶⁹ sisal,³⁴⁷⁰ cloves,³⁴⁷¹ and tobacco farms,³⁴⁷² and in the production of corn, green algae (seaweed), pyrethrum, rubber, and wheat.³⁴⁷³ In mining regions, children work in surface and underground mines.³⁴⁷⁴ Children ages 7 to 13 years work in mine pits an average of 4 to 5 hours per day, while children ages 14 to 18 years work on average 7 hours per day. Children working in bars and restaurants near the mines work even longer hours, with children ages 10 to 13 years working an average of 14 hours per day.³⁴⁷⁵ In the informal sector, children are engaged in scavenging, fishing and fish processing, informal quarrying, and work in informal garages.³⁴⁷⁶ Children also work in domestic service.³⁴⁷⁷ Others work as barmaids, street vendors, car washers, shoe shiners, carpenters, and auto repair

³⁴⁶⁷ M. J. Gonza and P. Moshi, *Tanzania Children Working in Commercial Agriculture-Tea : A Rapid Assessment*, ILO-IPEC, Geneva, January 2002.

³⁴⁶⁸ George S. Nchahaga, *Children Working in Commercial Agriculture- Coffee: A Rapid Assessment*, ILO-IPEC, Geneva, 2002, 29-32.

³⁴⁶⁹ 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.

³⁴⁷⁰ A plant that yields a stiff fiber used for cordage and rope.

³⁴⁷¹ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labor*, 15.

³⁴⁷² A. Masudi, A. Ishumi, F. Mbeo, and W. Sambo, *Tanzania Child Labour in Commercial Agriculture-Tobacco: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001.

³⁴⁷³ U.S. Department of Labor, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor (Volume 5)*, Washington, D.C., 1998, 165. For information on child labor in commercial agriculture in Zanzibar, see Angela K. Ishengoma, *Report on the Situation of Child Labor on Plantations in Zanzibar*, IPEC and the Social Welfare Institute, Dar es Salaam, 1995.

³⁴⁷⁴ J. A. Mwami, A.J. Sanga, and J. Nyoni, *Tanzania Children Labour in Mining: A Rapid Assessment*, ILO-IPEC, Geneva, January 2002, 37-39. *Situation Analysis Report on Hazardous Child Labor in the Three Sectors: Plantations and Agriculture, Domestic and Allied Workers Union, and Tanzania Mining and Construction Workers Union*, Federation of Free Trade Unions, Dar es Salaam, 1997, xi.

³⁴⁷⁵ Mwami, Sanga, and Nyoni, *Tanzania Children Labour in Mining*, 37-39.

³⁴⁷⁶ C. Kadonya, M. Madihi, and S. Mtwana, *Tanzania Child Labour in the Informal Sector: A Rapid Assessment*, ILO-IPEC, Geneva, January 2001, 33-48. Sachiko Nishioka, *ILO-IPEC Street Children Intervention and Preventive Strategies Against the Worst Forms of Child Labour: A Case Study of United Republic of Tanzania*, ILO, Dar es Salaam, 1999, 7. See also U.S. Department of State, *Country Reports- 2001: Tanzania*, 684-87, Section 5. See also Protection Project, "Tanzania," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002, 533-34 [cited December 18, 2002]; available from <http://www.protectionproject.org>.

³⁴⁷⁷ U.S. Department of State, *Country Reports- 2001: Tanzania*, 687-90, Section 6d.

mechanics.³⁴⁷⁸ Girls as young as 9 years old reportedly engage in prostitution.³⁴⁷⁹ Children from Kenya, Uganda and Rwanda have also been identified to be engaged in prostitution in Tanzania.³⁴⁸⁰

According to reports, children have been trafficked to work in mines, commercial agriculture and domestic service.³⁴⁸¹ Children are trafficked from rural areas for use in the commercial sex sector. Such children are often lured with false promises of work in urban areas as house girls, bar maids, and in hair salons.³⁴⁸² Children in the country's large refugee population have been particularly vulnerable to being trafficked to work on commercial farms.³⁴⁸³ Some have also been taken from refugee camps to be trained as child soldiers.³⁴⁸⁴ Children, some as young as 7 years old, are trafficked from Tanzania to South Africa. Some girls who are trafficked to South Africa allegedly face conditions of debt bondage.³⁴⁸⁵

Education in Tanzania is compulsory for seven years, until children reach the age of 15, but families must pay for enrollment fees, books and uniforms.³⁴⁸⁶ In 1998, the gross primary enrollment rate was 64.8 percent, and the net primary enrollment rate was 48.1 percent.³⁴⁸⁷ In 1996, Tanzania's gross primary attendance rate was 78.1 percent and its primary net attendance rate was 51.3 percent.³⁴⁸⁸ Forty-eight percent of working children attend school.³⁴⁸⁹

Child Labor Laws and Enforcement

The Employment Ordinance of 1956 establishes 15 years as the minimum age for employment and prohibits children from working near machinery, or engaging in underground work. The law does

³⁴⁷⁸ U.S. Department of Labor, *By the Sweat and Toil of Children*, 165.

³⁴⁷⁹ 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, 16. Kiwohede, *Annual Activity Report*, 8. See also Alakok Mayombo, "Rights: Tanzania- Children Drawn into Sex Trade," in *Factbook on Global Sexual Exploitation* Amherst, Mass.: Coalition Against Trafficking in Women, 1999. Tanzania Media Women's Association, *A Comprehensive Report on Child Sex Workers in Tanzania, December, 1997*, Dar es Salaam, 1997. Elizabeth Moshi and Ichikaeli Maro, *Sex Workers Among Young Girls in Singida*, Tanzania Media Women's Association, Dar es Salaam.

³⁴⁸⁰ Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, *Tanzania Children in Prostitution*, 20. ³⁴⁸¹ U.S. Department of State, *Country Reports- 2001: Tanzania*, 687-90, Section 6f. U.S. Department of State, *Trafficking in Persons Report- 2002: Tanzania*, Washington, D.C., June 5, 2002, 100 [cited December 18, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>. See also Protection Project, "Tanzania," 533-34.

³⁴⁸² Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, *Tanzania Children in Prostitution*, 20. Protection Project, "Tanzania," 533-34.

³⁴⁸³ U.S. Department of State, *Trafficking in Persons Report: Tanzania*, 100.

³⁴⁸⁴ Ibid.

³⁴⁸⁵ Protection Project, "Tanzania," 533-34. U.S. Department of State, *Trafficking in Persons Report: Tanzania*, 100.

³⁴⁸⁶ U.S. Department of State, *Country Reports- 2001: Tanzania*, 684-87, Section 5.

³⁴⁸⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁴⁸⁸ USAID, *GED 2000: Global Education Database* [CD-ROM], 2000. See also Government of Tanzania Ministry of Education and Culture, *Basic Statistics in Education 1995-1999: National Data*, Dar es Salaam, June 2000.

³⁴⁸⁹ ILO-IPEC, *Supporting the Time-Bound Program*.

not restrict children from working in agriculture.³⁴⁹⁰ Under the Employment Ordinance, employers are obliged to maintain registers listing the age of workers, working conditions, the nature of employment, and commencement and termination dates.³⁴⁹¹ The Penal Code prohibits procuring a female under the age of 21 for prostitution.³⁴⁹² Tanzania's Constitution prohibits forced or compulsory labor, but does not specifically refer to forced labor by children.³⁴⁹³ Trafficking is not specifically prohibited by law.³⁴⁹⁴

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. A Child Labor Unit within the Ministry of Labor serves as a liaison between the various government ministries and stakeholders. It is responsible for administering child labor-related projects, conducting the child labor component of the labor inspector training, and gathering and disseminating data on child labor.³⁴⁹⁵ At the community level, Child Labor Monitoring Committees have been established in areas with a high frequency of child labor.³⁴⁹⁶ The committees are reported to be effective in their initial efforts to raise awareness, withdraw and rehabilitate children from child labor, protect working children, and provide support to families.³⁴⁹⁷

The Government of Tanzania ratified ILO Convention 138 on December 16, 1998, and ILO Convention 182 on September 12, 2001.³⁴⁹⁸

³⁴⁹⁰ The Employment Ordinance states that any employer found to be in violation of child labor laws is subject to a fine of 2,000 to 4,000 shillings (USD 2.15 to 4.30) and/or 3 to 6 months of imprisonment. See Law Reform Commission of Tanzania, *Report of the Commission on the Law Relating to Children in Tanzania*, Dar es Salaam, 1997, 131-32, Cap. 366, Sections 77, 85. See also United Republic of Tanzania, letter, October 4, 2002.

³⁴⁹¹ Law Reform Commission of Tanzania, *Report of the Commission*, 131, Cap. 366, Section 85.

³⁴⁹² U.S. Department of State, *Country Reports- 2001: Tanzania*, 684-87, Section 5. See also Protection Project, "Tanzania," 533-34.

³⁴⁹³ Protection Project, "Tanzania." U.S. Department of State, *Country Reports- 2001: Tanzania*, 687-90, Section 6c.

³⁴⁹⁴ U.S. Department of State, *Country Reports- 2001: Tanzania*, 687-90, Section 6f.

³⁴⁹⁵ 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 23-25, 2001, 15-16.

³⁴⁹⁶ ILO-IPEC, *Supporting the Time-Bound Program*, 18.

³⁴⁹⁷ *Ibid.*, 16.

³⁴⁹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited February 26, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Thailand

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

In 1982, the Government of Thailand established the Committee on Child Labor Protection, composed of representatives from key government agencies, the police, and NGOs, to coordinate recommendations and measures related to the labor exploitation of children and child development. The Government of Thailand became one of the six original countries to participate in ILO-IPEC in 1992.³⁴⁹⁹ In addition, the government has adopted national plans of action to address child labor,³⁵⁰⁰ the commercial sexual exploitation of children,³⁵⁰¹ and has formulated a plan on trafficking of women and children.³⁵⁰² In December 1999, the Ministry of Labor and Social Welfare's (MOLSW) Department of Public Welfare (DPW) created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-Region.³⁵⁰³

In October 2002, the MOLSW was re-organized and renamed the Ministry of Labor (MOL). The MOL's Department of Labor Protection and Welfare (DLPW) has established a child labor reporting hotline. The DLPW also facilitates the participation of communities in anti-child labor activities and has initiated a public awareness campaign that includes information about child labor laws.³⁵⁰⁴ The MOL provides vocational training to improve children's skills and prevent them

³⁴⁹⁹ The Committee was originally known as the Committee on Prevention and Suppression of Abusive Exploitation of Child Labor. ILO-IPEC, *The Situation of Child Labor in Thailand: A Comprehensive Report*, Bangkok, June 1998, 102-05. See also ILO-IPEC, *All About IPEC: Programme Countries*, [cited March 27, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm. The government established a National Steering Committee, which includes employer and NGO representation, to oversee child labor policies. See Royal Thai Embassy, facsimile communication to USDOL official, September 17, 2002, 3.

³⁵⁰⁰ Ministry of Labour and Social Welfare, *National Child Labor Prevention and Solution Plan (1997-2001)*, ILO-IPEC translation, Bangkok, April 1997. From 1994-1999, IPEC supported 39 child labor projects in Thailand, including government efforts to combat child labor. See Royal Thai Embassy, facsimile communication, September 17, 2002, 5.

³⁵⁰¹ The plan is called the National Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children, 1996. See "Thailand Country Paper" (paper presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001), 3. Thailand's Eighth National Economic and Social Development Plan (1997-2001) also contains special measures related to child labor and prostitution. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, CRC/C/15/Add.97, United Nations, Geneva, October 26, 1998, Point 5 (B).

³⁵⁰² "Thailand Country Paper", 3.

³⁵⁰³ The "Memorandum of Understanding on Common Guidelines of Practices for Agencies concerned with Cases when Women and Children are Victims of Human Trafficking" was signed by numerous government agencies and NGOs in 1999. Ibid., 6-7.

³⁵⁰⁴ ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Part II- Compilation of Annual Reports by the International Labor Office*, GB.283/3/2, Geneva, March 2002, 512.

from entering work prematurely.³⁵⁰⁵ The Department of Social Welfare has established shelters for street children,³⁵⁰⁶ and the Department of Public Welfare, now titled the Department of Social Development and Welfare (DSDW), provides legal assistance to child victims, including counseling and rehabilitation services.³⁵⁰⁷

The government works with NGOs and international organizations on trafficking by providing shelters and social services, and by assisting in the repatriation of victims.³⁵⁰⁸ Thailand is included in a three-year ILO-IPEC Sub-Regional Project in the Mekong, funded by the United Kingdom's Department for International Development (DFID), to combat trafficking of women and children for exploitative labor.³⁵⁰⁹ DSDW and IOM cooperate in assisting foreign trafficking victims in Thailand,³⁵¹⁰ and DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.³⁵¹¹ The U.S. Department of State funds support a number of NGO and government efforts, particularly of the Ministry of Justice and DSDW, to combat trafficking through increasing public awareness, strengthening victim protection and improving the prosecution of traffickers.³⁵¹²

The Education Reform Office was established in 2000 to manage broad reforms mandated under the National Education Act of 1999. These reforms included management decentralization and increased quality of education, with the aim of reaching universal access to 12 years of free

³⁵⁰⁵ "Thailand Country Paper", 6.

³⁵⁰⁶ During the Asian financial crisis, the MOLSW provided free occupational training and small daily stipends to women and children who were unemployed because of the economic conditions. U.S. Embassy- Bangkok, *unclassified telegram no. 6420*, September 2000. See also U.S. Embassy- Bangkok, *unclassified section 1 of 3, telegram no. 7225*, June 1999.

³⁵⁰⁷ Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002. The government established "Woman and Child Labor Assistant Centers" in each province to oversee provincial concerns on child labor, and included the issue in school curricula. See Royal Thai Embassy, facsimile communication to USDOL official, September 30, 2002, 6.

³⁵⁰⁸ U.S. Department of State, *Trafficking in Persons Report- 2002: Thailand*, Washington, D.C., June 5, 2000, 101 [cited December 18, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>. DSDW assisted 913 foreign victims between 2000-2002, of whom 770 were repatriated. See Royal Thai Embassy, facsimile communication, September 5, 2002.

³⁵⁰⁹ The project, which began in 2000 with a total budget of USD 4.4 million, also includes activities in China (Yunnan Province), Cambodia, Lao People's Democratic Republic (PDR), and Vietnam. ILO-IPEC, *ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, Bangkok. In 1995, USDOL funded an ILO-IPEC program to prevent child prostitution in Thailand. See ILO-IPEC, *Program to Prevent Child Labor and Forced Child Prostitution*, Geneva, 1995.

³⁵¹⁰ "Thailand Country Paper", 8.

³⁵¹¹ Royal Thai Embassy, facsimile communication, September 5, 2002, 9.

³⁵¹² U.S. Embassy- Thailand, *Factsheet on Trafficking in Persons*, [cited August 23, 2002]; available from <http://www.usa.or.th/services/docs/reports/humanfacts02.htm>.

education.³⁵¹³ The Ministry of Education's Department of Non-Formal Education provides basic education and vocational education to out-of-school children and the disadvantaged.³⁵¹⁴ The Government of Thailand and NGOs support a number of innovative education initiatives. In 1999, UNICEF began a program to provide scholarships and raise awareness among school dropouts and their families to encourage children to return to school.³⁵¹⁵ In 1998, the government initiated an education program with funds from the Asian Development Bank in order to mitigate the effects of the Asian Financial Crisis on vulnerable children.³⁵¹⁶ A Ministry of Education program, initiated in 1994, provided a total of 145,000 scholarships through mid-2000 to disadvantaged girls, including those at risk of prostitution, in order to continue their secondary education, and supported the development of a targeted education module for at-risk girls.³⁵¹⁷

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12.2 percent of children ages 10 to 14 years in Thailand were working.³⁵¹⁸ Children work in the agriculture, construction,³⁵¹⁹ goods manufacturing, industrial,

³⁵¹³ Asian Development Bank, *Country Assistance Plans: Thailand - III. Sector Strategies*, 2002 [cited September 6, 2002]; available from <http://www.adb.org/Documents/CAPs/THA/0303.asp?p=ctrytha>. The ADB intends to fund the Secondary Education Sector Development Program in 2002 to support the Non-Formal Education reforms, focusing on improvement in the quality of secondary schools. In preparation for this, ADB is already implementing several activities, including the Education Management and Financing Study and the Education Sector Reforms project that is developing models for assessment and management. See Asian Development Bank, *Thailand: Country Strategy and Program Update 2002-2004*, 2001 [cited September 6, 2002], Annex 6; available from <http://www.adb.org/Documents/CSPs/THA/2001/default.asp?p=ctrytha>.

³⁵¹⁴ Ministry of Education, *Department of Non-Formal Education*, Government of Thailand, [cited August 7, 2002]; available from <http://www.nfe.go.th/en.htm>.

³⁵¹⁵ U.S. Embassy- Bangkok, *unclassified telegram no. 6420*. An estimated 17,500 children received UNICEF scholarships. See U.S. Embassy- Bangkok, *unclassified telegram no. 7465*, October 31, 2001.

³⁵¹⁶ Asian Development Bank, *Report and Recommendation of the President to the Board of Directors on a Proposed Loan and Technical Assistance Grants to the Kingdom of Thailand for the Social Sector Program*, RRP: THA31606, February 1998.

³⁵¹⁷ The project also provided counseling and guidance to students and their mothers and assisted selected students with placement in boarding schools while they received an education. Thailand Ministry of Education Inspector General, Savitri Suwansathit, Speech at the U.S. Department of Labor Conference "Advancing the Global Cause Against Child Labor: Progress Made and Future Actions", May 17, 2000, 95-99.

³⁵¹⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Round one of Thailand's 2000 Labor Force survey found that 6.3 percent of children ages 13-14 (137,600) were in the labor force. See "2000 Labor Force Survey- February 2000," in *Study Report: The Worst Forms of Child Labor*, ed. Vichitra Phromphanthum Bangkok: ILO-IPEC and the Ministry of Labor and Social Welfare, 2001, Table 2.

³⁵¹⁹ ILO-IPEC, *The Situation of Child Labor in Thailand*, 8.

services,³⁵²⁰ and fishing sectors.³⁵²¹ Children also work in domestic service.³⁵²² Reports indicate that children are involved in the trafficking of drugs in Thailand,³⁵²³ and are victims of commercial sexual exploitation.³⁵²⁴ Thailand is a source, transit and destination country for the trafficking in persons, including girls.³⁵²⁵ Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, Cambodia, China, and Laos for the purposes of commercial sexual exploitation.³⁵²⁶ Children are also trafficked into Thailand to work as beggars, in domestic work or in industrial activities.³⁵²⁷ Internal trafficking occurs, but reportedly is decreasing.³⁵²⁸

Several key provisions of the National Education Act of 1999 took full legal effect in 2002, including the extension of the compulsory education period to nine years of schooling, beginning at age 7, and extension of cost free schooling to 12 years.³⁵²⁹ In 1998, the gross primary enrollment rate was 91.3 percent. The net primary enrollment rate was 76.9 percent, with 75.9 percent of girls enrolled as opposed to 78 percent of boys.³⁵³⁰ Primary school attendance rates are unavailable for Thailand. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁵³¹

³⁵²⁰ Ministry of Labour and Social Welfare, *National Child Labor Prevention*, 6.

³⁵²¹ Kerry Richter and Orathai Ard-am, "Child Labor in Thailand's Fishing Industry," in *Sweat and Toil of Children*, Salaya: Institute for Population and Social Research, Mahidol University, 1995, 22.

³⁵²² Child Workers in Asia, *Behind Closed Doors: Child Domestic Workers-The Situation and the Response*, 1998, 40-42 [cited August 30, 2002]; available from <http://www.cwa.tnet.co.th/domestic/contents.htm>. A recent rapid assessment on the sector found that the numbers of Thai child domestic workers are low, but that apparently there are increasing numbers of foreign child workers becoming domestics. The report advocated for more research on foreign children engaged in domestic work, as they may be more vulnerable to exploitation. See Nawarat Phlainoi, *Child Domestic Workers: A Rapid Assessment*, no. 23, ILO, Geneva, April 2002, 16, 44, 64.

³⁵²³ Somphong Chitradub, *Child Labour in the Trafficking of Drugs in Thailand*, ILO-IPEC, Bangkok, 1999, 2-3.

³⁵²⁴ ECPAT International, *Thailand*, in ECPAT International, [database online] 2002 [cited August 22, 2002]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also "2000 Labor Force Survey," 29, 32-33.

³⁵²⁵ U.S. Department of State, *Trafficking in Persons Report: Thailand*.

³⁵²⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Thailand*, Washington, D.C., March 4, 2002, 1195-99, Section 6f [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8378.htm>.

³⁵²⁷ Royal Thai Embassy, facsimile communication, September 5, 2002. See also "2000 Labor Force Survey," 29-34. For a recent report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children under the age of 18, see Human Rights Watch, *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan*, Asia/ Women's Rights Divisions, Washington, D.C., September 2000.

³⁵²⁸ U.S. Department of State, *Trafficking in Persons Report: Thailand*.

³⁵²⁹ Excerpt of Office of the National Education Commission, *Education in Thailand*, 1999, in U.S. Department of State official, facsimile communication to USDOL official, February 13, 2003.

³⁵³⁰ World Bank, *World Development Indicators 2002*.

³⁵³¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

Child Labor Laws and Enforcement

Chapter Four of Thailand's Labor Protection Act of 1998 sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under age 18 are hired, and the law permits children ages 15 to 18 to work only between the hours of 4 p.m. and 10 p.m. unless written permission from the Director-General is obtained.³⁵³² Children under age 18 may not be employed in hazardous work, which is defined by the law to include any work involving hazardous chemicals, harmful temperatures or noise levels, exposure to toxic micro-organisms or hazardous chemicals, the operation of heavy equipment, and work underground or underwater. The maximum penalties for violation of the child labor sections of the Labor Protection Act are up to one year of imprisonment and fines of up to 200,000 baht (USD 4,747).³⁵³³

The Prostitution Prevention and Suppression Act of 1996 prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 18.³⁵³⁴ 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 16.³⁵³⁵ The Prevention and Suppression of Trafficking in Women and Children Act of 1997 expands the list of activities that can be sanctioned under the law, extends legal protection to victims in other countries and provides for basic protection for victims.³⁵³⁶ The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.³⁵³⁷ The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who are either convicted of trafficking or work in prostitution.³⁵³⁸ The Criminal Procedure Amendment Act of

³⁵³² Government of Thailand, *Labour Protection Act of 1998*, Sections 44-45 and 47 [cited August 30, 2002]; available from <http://natlex.ilo.org/txt/E98THA01.htm>.

³⁵³³ Under Section 22 of the law, certain types of work related to agriculture, sea fishing and work in the home may have different protections than those contained in the Act. Ibid., Sections 22, 49-50. For currency conversion see FX Converter, [online] [cited August 30, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

³⁵³⁴ Government of Thailand, *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, Sections 8-12 [cited August 30, 2002]; available from <http://natlex.ilo.org/txt/E96THA01.htm>.

³⁵³⁵ Individuals who engage in sexual activities with children ages 16 to 18 are subject to jail terms of up to 5 to 15 years and fines of 100,000 to 300,000 baht (USD 2,373 to 7,120). The range of penalties is nearly twice as much for those patronizing children ages 15 and under. Under Section 12, government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment and/or substantial fines ranging between 300,000 and 400,000 baht (USD 7,120 to 9,494). If fraud or coercion on the part of the patron is involved, penalties also increase. Owners, managers, and supervisors of prostitution businesses or establishments, government administrative or police officials, as well as parents who knowingly permit their children to become engaged in prostitution, face steep fines and jail terms if found guilty of violating the terms of the Act. See Ibid., Sections 8-12. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>.

³⁵³⁶ Royal Thai Embassy, facsimile communication, September 5, 2002, 7.

³⁵³⁷ Government of Thailand Ministry of Labor, *Domestic Efforts to Strengthen the Enforcement of Child Labour and Education Laws, and Changes in Domestic Child Labour and Education Laws*, submission by the Ministry of Labor to the U.S. Embassy-Thailand, September 2000, 6. See also Government of Thailand, *Penal Code Amendment Act (no. 4) of 1997*.

³⁵³⁸ U.S. Department of State, *Country Reports- 2001: Thailand*, 1195-99, Section 6f.

1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.³⁵³⁹

Four government bodies are responsible for enforcing child labor laws: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the MOL.³⁵⁴⁰ 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.³⁵⁴¹ In general, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports.³⁵⁴² However, in 2002 Thailand's Central Labor Court awarded almost USD 50,000 in back wages to 33 Burmese persons, 21 of whom were minors, who had been trafficked to a clothing factory to work under conditions of forced labor. Under the 1999 MOU on trafficking victims, the workers were permitted by government authorities to remain in Thailand for several months, enabling them to testify in the civil case. The victims were repatriated in July 2001.³⁵⁴³

The Government of Thailand has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 16, 2001.³⁵⁴⁴

³⁵³⁹ Royal Thai Embassy, facsimile communication, September 5, 2002, 8.

³⁵⁴⁰ The MOL's DLPW employs several specific enforcement tools to deal with child labor, such as regulations for inspection of establishments suspected of using child labor. U.S. Embassy- Bangkok, *unclassified telegram no. 6420*.

³⁵⁴¹ Ibid.

³⁵⁴² U.S. Department of State, *Country Reports- 2001: Thailand*, 1195-99, Section 6d. The MOL tends to focus its inspection efforts on larger factories in an effort to reach the largest portion of the workforce, with relatively fewer inspections of smaller workplaces where child labor may more easily go unnoticed. See U.S. Embassy- Bangkok, *unclassified telegram no. 6420*. Official corruption reportedly impedes enforcement of the laws. See U.S. Department of State, *Trafficking in Persons Report: Thailand*.

³⁵⁴³ U.S. Embassy- Bangkok, *unclassified telegram no. 6668*, September 20, 2002.

³⁵⁴⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 21, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Togo

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

The Government of Togo has been a member of ILO-IPEC since 2000. In March 1999, the government formulated a National Action Plan against child trafficking that focuses on gathering information, raising awareness at the community level and taking steps to enhance its institutional capabilities to combat trafficking.³⁵⁴⁵ Togo is one of nine countries participating in a regional project sponsored by ILO-IPEC and funded by USDOL to combat the trafficking of children in West and Central Africa.³⁵⁴⁶ As a member of ECOWAS, Togo has committed itself to repatriate victims of trafficking and provide them with necessary social services, and to establish policies and programs to combat and prevent human trafficking.³⁵⁴⁷ In June 2002, the Government of Togo signed an agreement with the U.S. Government to support the implementation of an education project that focuses on child trafficking victims.³⁵⁴⁸ It has also collaborated with other ECOWAS member states to draft an action plan that identifies criminal justice interventions to be undertaken in the years 2002 and 2003 against trafficking in persons.³⁵⁴⁹

In mid-2002, Togo began creating village-based vigilance committees that work to raise awareness of child trafficking in rural areas.³⁵⁵⁰ In 2000, the government, in collaboration with UNICEF and NGOs, conducted awareness raising campaigns on forced labor and trafficking.³⁵⁵¹ The Government of Togo is working with the Global Program against Trafficking in Human Beings of the UN Office on Drugs and Crime to strengthen anti-trafficking efforts for women and children. UNODC is providing technical assistance in areas such as research and law enforcement training.³⁵⁵²

³⁵⁴⁵ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, executive summary, Geneva, 1999.

³⁵⁴⁶ Ibid.

³⁵⁴⁷ ECOWAS, “Declaration on the Fight Against Trafficking in Persons” (paper presented at the Twenty-Fifth Ordinary Session of Authority of Heads of State and Government, Dakar, December 20-21, 2001).

³⁵⁴⁸ Togolese Ministry of Social Affairs, Letter of Intent between the U.S. Department of Labor and the Togolese Ministry of Social Affairs regarding the USDOL Child Labor Education Initiative, June 18, 2002.

³⁵⁴⁹ ECOWAS Executive Secretariat, *ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)*, Economic Community of West African States, Dakar, December 2001.

³⁵⁵⁰ Republic of Togo, “Les Etats-Unis se mobilisent contre le trafic des enfants au Togo,” June 25, 2002, [cited December 18, 2002]; available from <http://www.republicoftogo.com/completenews.php?idnews=02265&flag=3>.

³⁵⁵¹ Creative Associates International Inc., *Child Labor Country Briefs: Togo*, [online] January 22, 2002 [cited August 23, 2002]; available from <http://209.135.227.32/childlaborbriefs/DashBoard2/default.asp>.

³⁵⁵² UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited February 19, 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Togo. As part of this strategy, U.S. missions in the region will focus U.S. Government resources on prosecuting traffickers, protecting and repatriating victims, and preventing new trafficking incidents through improved coordination among U.S. Government donors, greater coordination with international donors, engagement with and funding of regional and international organizations, and direct funding for host government or local NGOs.³⁵⁵³

Togo's education goals are to make education more accessible, raise the quality and relevance of the curriculum, and strengthen vocational and non-formal education.³⁵⁵⁴ The government adopted a national education plan in 1995 that emphasizes meeting basic educational needs, improving the management of the education system and adapting the curriculum to the socio-economic environment.³⁵⁵⁵ A World Bank-funded project, implemented in 1996, focuses on increasing the number of qualified teachers and administrators, improving enrollment and retention rates, and making education more relevant to local needs.³⁵⁵⁶ The World Bank also supports programs designed to support the construction and repair of schools and the provision of textbooks to primary schools.³⁵⁵⁷ UNICEF is assisting Togo to raise the low attendance rates among girls through parent and teacher trainings.³⁵⁵⁸

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 26.8 percent of children ages 10 to 14 years in Togo were working.³⁵⁵⁹ Children are found working mainly in the informal sector, particularly in agriculture and petty trading.³⁵⁶⁰ Many children work as child domestics, some as young as 7 years old.³⁵⁶¹

³⁵⁵³ U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 2002.

³⁵⁵⁴ UNESCO, *Education for All 2000 Assessment: Country Reports - Togo*, prepared by Permanent Secretary of the Higher Council of National Education of Togo, pursuant to UN General Assembly Resolution 52/84, [cited January 30, 2003]; available from http://www2.unesco.org/wef/countryreports/togo/rapport_1.html.

³⁵⁵⁵ Ibid.

³⁵⁵⁶ Ibid.

³⁵⁵⁷ UN Committee on the Rights of the Child, *Consideration of Initial Reports of States Parties: Summary Record of the 422nd Meeting*, CRC/C/SR.422, prepared by Government of Togo, pursuant to Article 44 of the Convention on the Rights of the Child, February 3, 1998, para. 13.

³⁵⁵⁸ UNICEF, *Costs of Education*, [online] [cited August 27, 2002]; available from http://www.unicefusa.org/girls_ed/cost.html.

³⁵⁵⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁵⁶⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Togo*, Washington, D.C., March 4, 2002, 704-06, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8408.htm>.

³⁵⁶¹ One survey on child domestic workers in Togo found that 95.6 percent of the domestics working full time were between 7 and 17 years old. See ILO, *Child Domestic Workers*, [online] January 31, 1998 [cited August 27, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/action/36actaga/domestic.htm>. Another survey found that 16 percent of domestics were 10 years of age or younger. See ILO, *Child Labour: Targeting the Intolerable*, [online] January 31, 1998 [cited August 27, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/publ/clrep96.htm>.

In remote parts of the country, a form of bonded labor occurs in the traditional practice known as *trokosi*, where young girls become slaves to religious shrines for offenses allegedly committed by a member of their family.³⁵⁶² Abuse of the cultural practice of *Amegbonovei*, through which extended family relations help to place children (usually from rural areas) with families who agree to pay for the children's education or provide them with a salary in exchange for domestic work, also contributes to the incidence of child trafficking. Often the intermediaries who arrange the placements abuse the children and rape the girls. These children are also sometimes mistreated by the families with whom they are placed.³⁵⁶³

Apart from internal trafficking, children are trafficked from Togo to Côte d'Ivoire, Gabon, Nigeria, and other African countries, as well as to the Middle East, Asia and Europe, where they work in indentured or domestic servitude, as farm laborers or for commercial sexual exploitation.³⁵⁶⁴ According to government reports, approximately 350 Togolese children drowned in March 2001, when boats used for trafficking them from Nigeria to Gabon capsized.³⁵⁶⁵ Although there is no evidence of minors enlisted in the military, children under 18 are found doing menial work in military barracks.³⁵⁶⁶

Education is free and compulsory for six years.³⁵⁶⁷ In 1998, the gross primary enrollment rate was 124.2 percent, and the net primary enrollment rate was 88.5 percent.³⁵⁶⁸ However, the gender disparity in net primary enrollment rates is significant: 98.6 percent of boys of primary school age versus only 78.3 percent of girls were enrolled in school.³⁵⁶⁹ The gross primary attendance rate for both sexes was 116.1 percent in 1998, and the net primary attendance rate was 69.5 percent.³⁵⁷⁰

³⁵⁶² U.S. Department of Labor, "Combating Child Trafficking in Togo through Education," *Federal Register* 67, no. 75 (April 22, 2002), 19257. See also Nirit Ben-Ari, *Liberating girls from 'trokosi'*, (Vol. 15 #4), Africa Recovery, [online] December 2001 [cited October 28, 2002]; available from <http://www.un.org/ecosocdev/geninfo/afrec/vol15no4/154troko.htm>.

³⁵⁶³ Suzanne Aho, Togo Ministry of Social Affairs, Protection Project Fact-Finding Mission, Lomé, Togo, August 2001, as cited in Protection Project, "Togo," in *Human Rights Reports on Trafficking in Persons, Especially Women and Children*, March 2002, 546-47 [cited December 18, 2002]; available from <http://www.protectionproject.com>.

³⁵⁶⁴ U.S. Department of State, *Trafficking in Persons Report- 2001: Togo*, Washington, D.C., July 2002, [cited December 18, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3928.htm>. See also U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Section 6f. In one month, January 1998, 199 trafficked children from the border between Togo and Benin were repatriated and returned to their families. See All Africa News Agency, *Child Peddling a Serious Problem in Togo and Benin*, [captive.org](http://www.captive.org), [online] March 23, 1998 [cited August 22, 2001]; available from <http://www.captive.org/Information/WorldBeat/Africa/articlesafrica1.htm>.

³⁵⁶⁵ U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Section 6f.

³⁵⁶⁶ Coalition to Stop the Use of Child Soldiers, "Togo," in *Global Report 2001*, 2001, [cited May 22, 2001]; available from <http://www.child-soldiers.org/report2001/countries/togo.html>.

³⁵⁶⁷ U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Section 5. Katarina Toma-evski, *Preliminary Report of the Special Rapporteur on the Right to Education*, submitted in accordance with Commission on Human Rights Resolution 1998/33, E/CN.4/Sub.2/1998/12, UN Office of the High Commissioner on Human Rights, Geneva, 1999.

³⁵⁶⁸ World Bank, *World Development Indicators 2002*.

³⁵⁶⁹ *Ibid.*

³⁵⁷⁰ USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

The education system has suffered from teacher shortages, lower educational quality in rural areas and high repetition and dropout rates.³⁵⁷¹ In the northern part of the country, 41 percent of the primary school teachers are remunerated by the parents compared with only 17 percent in Lomé, where incomes are substantially higher.³⁵⁷²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment in any enterprise at 14 years and a minimum age of 18 years for certain industrial and technical jobs.³⁵⁷³ The Ministry of Labor enforces the law only in the urban, formal sector.³⁵⁷⁴ In 2002, the Government of Togo adopted a comprehensive Children's Code that provides a legal foundation for protecting children's rights.³⁵⁷⁵ In 2000, the government undertook efforts to revise the Apprenticeship Code, resulting in guidelines governing the length of the workday, working conditions and apprenticeship fees.³⁵⁷⁶ Togolese law does not specifically prohibit forced or bonded labor by children or trafficking in persons.³⁵⁷⁷ However, Article 78 of the Penal Code prohibits the corruption, abduction or transfer of children against the will of a child's guardian.³⁵⁷⁸ Foreign consulates based in Togo do not issue visas to minors without first consulting a social worker.³⁵⁷⁹ Articles 91 to 94 of the Penal Code prohibit the solicitation and procurement of minors.³⁵⁸⁰

In September 2001, 68 Togolese children who had been smuggled out of Togo were flown back from Cameroon after their boat wrecked off the coast of Cameroon,³⁵⁸¹ and between January and August 2001, the Togolese frontier police intercepted 35 children at the border.³⁵⁸² In total, 83

³⁵⁷¹ 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.

³⁵⁷² World Bank, *Togo Country Assistance Evaluation*, 5.

³⁵⁷³ U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Section 6d.

³⁵⁷⁴ *Ibid.*

³⁵⁷⁵ U.S. Embassy- Lomé, *unclassified telegram no. 1247*, September 2002.

³⁵⁷⁶ Republic of Togo, *Rapport National de Fin de Décennie sur "Le Suivi du Sommet Mondial pour les Enfants"*, 16.

³⁵⁷⁷ U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Sections 6c and 6f.

³⁵⁷⁸ UN Committee on the Rights of the Child, *Consideration of Initial Reports: Summary Record of the 422nd Meeting: Togo*, 37.

³⁵⁷⁹ *Ibid.*, para. 35.

³⁵⁸⁰ *Ibid.*, para. 37.

³⁵⁸¹ Republic of Togo, "68 child trafficking victims return to Lomé," September 23, 2001, [cited August 23, 2002]; available from <http://www.republicoftogo.com/english/completenews.php?idnews=00270&flag=1>.

³⁵⁸² Suzanne Aho, Togo Ministry of Social Affairs, Protection Project Fact-Finding Mission, Lomé, Togo, August 2001, as cited in Protection Project, "Togo," 545.

Togolese victims of child trafficking were repatriated during 2001.³⁵⁸³ From January 2000 to February 2001, the government prosecuted 50 traffickers, resulting in sentences ranging from six months to six years, and including deferments and amicable out-of-court settlements.³⁵⁸⁴

The Government of Togo ratified ILO Convention 138 on March 16, 1984, and ILO Convention 182 on September 19, 2000.³⁵⁸⁵

³⁵⁸³ U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Section 6f.

³⁵⁸⁴ U.S. Department of State, *Country Reports- 2001: Togo*, 704-06, Section 6f. See also William E. Fitzgerald, DCM, U.S. Embassy- Togo, electronic correspondence to USDOL official, August 28, 2002.

³⁵⁸⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 11, 2001]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Tonga

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 the establishment of universal access to quality basic education up to grade six, and plans to increase the compulsory school age to 17, or grade six. 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.³⁵⁸⁶ The Governments of Australia and New Zealand are assisting the government in improving its primary educational facilities.³⁵⁸⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Tonga are unavailable. The U.S. State Department reported no known incidences of child labor in 2001.³⁵⁸⁸

Education is free and compulsory between the ages of 6 and 14, or until the completion of grade 6.³⁵⁸⁹ In 1995, the gross primary enrollment rate was 122.2 percent, and the net primary enrollment rate was 95.3 percent.³⁵⁹⁰ Primary school attendance rates are unavailable for Tonga. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁵⁹¹

Child Labor Laws and Enforcement

The Constitution prohibits slavery.³⁵⁹² Forced or bonded labor is also prohibited, and is not known to occur.³⁵⁹³ The Criminal Code provides legal restrictions on acts of trafficking. Soliciting for

³⁵⁸⁶ UNESCO, *Education for All 2000 Assessment: Country Reports - Tonga*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, Part 3, 11.0 [cited November 6, 2002]; available from <http://www2.unesco.org/wef/countryreports/tonga/contents.html>.

³⁵⁸⁷ AusAID, *Country Brief- Tonga*, [online] [cited September 5, 2002]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=8494_3966_5283_4961_7927&CountryId=19.

³⁵⁸⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Tonga*, Washington, D.C., March 4, 2002, 1203, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8380.htm>.

³⁵⁸⁹ According to the report, Tonga has been internationally recognized as having achieved universal primary education. UNESCO, *EFA Country Report: Tonga*, Part I, Section 3.0.

³⁵⁹⁰ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³⁵⁹¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁵⁹² This does not apply to those being punished under the law. *Constitution of Tonga*, Part I, Clause 2, [cited October 3, 2002]; available from http://www.vanuatu.usp.ac.fj/paclawmat/Tonga_legislation/Tonga_Constitution.html.

³⁵⁹³ U.S. Department of State, *Country Reports- 2001: Tonga*, 1203, Section 6d.

prostitution, or profiting from prostitution, are both prohibited under the Criminal Code. Penalties for these offenses range from imprisonment for six months to two years, and in some cases, the whipping of males convicted a second time.³⁵⁹⁴ The Criminal Code also prohibits any person from procuring or attempting to procure any girl under the age of 21 for the purposes of unlawful sexual exploitation. The punishment for this offense is imprisonment for up to five years. The abduction of women and girls is also illegal under the Criminal Code, with penalties ranging from five to seven years imprisonment.³⁵⁹⁵

The Government of Tonga is not a member of the ILO, and as such has not ratified ILO Convention 138 or ILO Convention 182.³⁵⁹⁶

³⁵⁹⁴ Government of Tonga, *Criminal Code of Tonga*, [cited October 3, 2002]; available from http://vanuatu.usp.as.fj/Paclawmat/Tonga_legislation/Consolidation_1988/Tonga_Criminal_Offences.html.

³⁵⁹⁵ *Ibid.*, Articles 126, 28-29.

³⁵⁹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Trinidad and Tobago

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

In 1992, the Government of Trinidad and Tobago developed a National Plan of Action that provided assistance to children in especially difficult circumstances. The government has also adopted an education policy that aims to promote secondary school attendance and improve educational opportunities.³⁵⁹⁷

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 1.2 percent of children ages 5 to 14 years were engaged in paid work. Slightly more than one-half of the children in this age group were estimated to perform domestic work for less than 4 hours per day; less than 1 percent spent more than 4 hours per day on such tasks. Overall, 4.1 percent of children were estimated to be currently working.³⁵⁹⁸ Children are also engaged in agriculture, scavenging, loading, unloading and stocking goods, landscaping and gardening, car repair and washing, construction, fishing,³⁵⁹⁹ and begging.³⁶⁰⁰ Children also work as handymen, shop assistants,³⁶⁰¹ or street vendors.³⁶⁰² There have been reports of child prostitution and of children involved in drug trafficking.³⁶⁰³

Primary education is free and compulsory between the ages of 6 and 12.³⁶⁰⁴ In 1998, the gross primary enrollment rate was 101.6 percent, and the net primary enrollment rate was 92.9 percent.³⁶⁰⁵ In 2000, 89.3 percent of primary school-age children were estimated to be attending

³⁵⁹⁷ U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*, October 2002.

³⁵⁹⁸ Children who are currently working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Government of Trinidad and Tobago, *Multiple Indicator Cluster Survey (MICS) 2000 -Trinidad and Tobago*, UNICEF, 2000, 36-37 [cited September 1, 2002]; available from <http://www.childinfo.org/MICS2/newreports/trinidad/trinidad.htm>. An ILO-IPEC rapid assessment in 2002 found that approximately 4.1 percent of children ages 5 to 14 years are currently engaged in paid or unpaid work on the island of Trinidad. See U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*.

³⁵⁹⁹ U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*.

³⁶⁰⁰ U.S. Department of State, *Country Reports on Human Practices- 2001: Trinidad and Tobago*, Washington, D.C., March 4, 2002, 3055-57, Section 5 [cited November 1, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8233.htm>. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards in Trinidad and Tobago*, Geneva, November 12-13, 1998, [cited September 2, 2002]; available from <http://www.icftu.org/displaydocument.asp?Index=990916172&Language=EN>.

³⁶⁰¹ U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*.

³⁶⁰² U.S. Department of State, *Country Reports- 2001: Trinidad and Tobago*, 3055-57, Section 5. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards*.

³⁶⁰³ U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*, September 27, 2001.

³⁶⁰⁴ *Ibid.*

³⁶⁰⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

school.³⁶⁰⁶ Parts of the public school system do not meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional classroom violence by gangs. The government has committed resources to building new facilities and expanding access to free education.³⁶⁰⁷

Child Labor Laws and Enforcement

The minimum age for employment is set at 12 years. Children between the ages of 12 to 14 may work only in family businesses. Children under the age of 18 may work only during daylight hours, however, children ages 16 to 18 may work at night in sugar factories.³⁶⁰⁸ There are no laws prohibiting trafficking,³⁶⁰⁹ but the Criminal Code prohibits child prostitution.³⁶¹⁰ The use of children under the age of 16 in pornography is also prohibited.³⁶¹¹

The Ministry of Labor and Small and Micro-Enterprises and the Ministry of Social Development and Family Services are responsible for enforcing child labor provisions.³⁶¹² Enforcement is weak because there are no established mechanisms for receiving, investigating, and addressing child labor complaints. The Ministry of Labor is seeking assistance from the ILO to strengthen enforcement mechanisms.³⁶¹³

The Government of Trinidad and Tobago has not ratified ILO Convention 138 or ILO Convention 182.

³⁶⁰⁶ Government of Trinidad and Tobago, *MICS 2000*, 21.

³⁶⁰⁷ U.S. Department of State, *Country Reports- 2001: Trinidad and Tobago*, 3055-57, Section 5.

³⁶⁰⁸ U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards*.

³⁶⁰⁹ U.S. Department of State, *Country Reports- 2001: Trinidad and Tobago*, 3057-58, Section 6f.

³⁶¹⁰ Article 17 of the Criminal Code, as cited in U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*.

³⁶¹¹ Protection Project, "Trinidad and Tobago," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited September 2, 2002]; available from <http://209.190.246.239/ver2/cr/tt.pdf>.

³⁶¹² U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*.

³⁶¹³ U.S. Department of State, *Country Reports- 2001: Trinidad and Tobago*, 3055-57, Section 6d.

Tunisia

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

In 1992, the Government of Tunisia established a multi-sectoral National Plan of Action for the Survival, Protection, and Development of the Child.³⁶¹⁴ The Ministry of Youth and Children, Ministry of Social Affairs, Ministry of Education and Sciences, and the National Institution for the Protection of Children were among the participants in the development of the plan.³⁶¹⁵

In 2000, the World Bank approved a USD 99 million loan for an Education Quality Improvement Project designed to facilitate the Ministry of Education's efforts to promote primary and secondary education. This project targets students at these levels who are at risk of dropping out of school or repeating classes.³⁶¹⁶ UNICEF is working with the government to implement educational projects, including gender-based initiatives, and promote children's rights.³⁶¹⁷

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 2.1 percent of children ages 5 to 15 years in Tunisia were working.³⁶¹⁸ Slightly more boys than girls were involved in child labor, and the rate of working children in the rural areas was also higher than in urban areas.³⁶¹⁹ Approximately 71.4 percent of working children worked more than four hours per day, and over half worked during school hours, which was found to increase the risk of dropout from, or failure in, school. All working children were paid for their services, and nearly half of them spent their salaries on family necessities.³⁶²⁰

³⁶¹⁴ Government of Tunisia, *Multiple Indicator Cluster Survey (MICS) Report: Tunisia*, UNICEF, 2000, 7 [cited January 2, 2003]; available from <http://www.childinfo.org/MICS2/newreports/tunisia/tunisia.pdf>.

³⁶¹⁵ *Ibid.*, 7-8.

³⁶¹⁶ World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US \$99 Million to the Republic of Tunisia for the First Phase of the Education Quality Improvement Program (EQIP)*, [online] 2000 [cited August 29, 2002]; available from http://www.wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2000/07/07/000094946_00061705502666/Rendered/PDF/multi_page.pdf. See also World Bank, *Education Quality Improvement Project*, [cited August 29, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050945>.

³⁶¹⁷ UNICEF's 1997-2001 Programme of Cooperation includes health, education, and children's rights components. UNICEF, *UNICEF in Tunisia*, [online] 2001 [cited August 29, 2002]; available from <http://www.unicef.org/programme/countryprog/mena/tunisia/mainmenu.htm>. UNICEF Global Girls' Education Program is implemented in specific regions of Tunisia to assist teachers to reduce gender disparities in learning achievement. See UNICEF, *Global Girl's Education Programme: Country Highlights*, [online] 2000 [cited August 29, 2002]; available from <http://www.unicef.org/efa/girlsed.htm#Tunisia>.

³⁶¹⁸ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Tunisia, *MICS Report: Tunisia*, 83.

³⁶¹⁹ *Ibid.*

³⁶²⁰ *Ibid.*, 90.

Children work as apprentices, domestic laborers, vendors and agricultural workers and during school vacations.³⁶²¹

Education is compulsory and free between the ages of 6 and 16.³⁶²² In 2000, approximately 96 percent of six-year-old children were enrolled in school.³⁶²³ In 1998, the gross primary enrollment rate was 119.2 percent (115.7 percent for girls and 122.5 percent for boys) and the net primary enrollment rate was 97.5 percent.³⁶²⁴ In 2000, 94.4 percent of children between the ages of 6 and 12 attended school. Attendance in urban areas is higher than in rural areas (97.2 percent and 90.5 percent respectively).³⁶²⁵ The attendance rate for adolescents between the ages of 13 and 19 years was 66.1 percent.³⁶²⁶

Child Labor Laws and Enforcement

The Labor Code of 1966 established the minimum age for labor at 16 years with a number of exceptions.³⁶²⁷ The age of 13 years is set for light agricultural, non-agricultural, and non-industrial work, provided that the work does not pose a health hazard or interfere with the child's development or education.³⁶²⁸ Under the Labor Code, children may work as apprentices or through vocational training programs at age 14.³⁶²⁹ In addition, children under 16 years of age may work in family-run businesses as long as the work does not interfere with school or pose a threat to the child's health.³⁶³⁰ The age of 18 years is established for hazardous work.³⁶³¹ The hours that children below the age of 18 are permitted to work are regulated.³⁶³² In 1995, the Government of Tunisia passed the Child Protection Code, which protects children under 18 years

³⁶²¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Tunisia*, Washington, D.C., March 4, 2002, 2301-03, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8303.htm>.

³⁶²² UN Economic and Social Council, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Tunisia*, 1999 [cited August 29, 2002], Par. 7; available from <http://www.hri.ca/fortherecord1999/documentation/tbodies/e-c12-1-add36.htm>.

³⁶²³ Government of Tunisia, *MICS Report: Tunisia*, 67.

³⁶²⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁶²⁵ Government of Tunisia, *MICS Report: Tunisia*, 69.

³⁶²⁶ *Ibid.*, 70.

³⁶²⁷ Government of Tunisia, *Code du Travail, 1966*, Loi no. 66-77, (April 30, 1966), Article 53 [cited December 18, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

³⁶²⁸ *Ibid.*, Articles 55-56.

³⁶²⁹ *Ibid.*, Articles 52-53.

³⁶³⁰ *Ibid.*, Article 54.

³⁶³¹ *Ibid.*, Article 58. This article prohibits work that is a danger to the health, safety, or morality of children, and authorizes the Ministry of Social Affairs to determine the jobs that fall in this category.

³⁶³² *Ibid.*, Article 65. Article 65 prohibits children under 14 years of age from working in nonagricultural jobs between 8 p.m. and 8 a.m. Article 66 prohibits children between 14 and 18 years of age from working in non-agricultural jobs from 10 p.m. to 6 a.m. For agricultural work, Article 74 states that children under 18 years must have fixed rest periods and cannot work between 10 p.m. and 5 a.m.

from abuse and exploitation, including participation in wars or armed conflicts, prostitution, and hazardous labor conditions.³⁶³³ Labor inspectors from the Ministry of Social Affairs are responsible for enforcing child labor laws.³⁶³⁴

The Government of Tunisia ratified ILO Convention 138 on October 19, 1995 and ILO Convention 182 on February 28, 2000.³⁶³⁵

³⁶³³ Government of Tunisia, *Loi No. 95-92, 1995, Relative a la publication du code de la protection de l'enfant*, (November 9, 1995), Articles 2, 18, 20, 25, and 26 [cited December 18, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

³⁶³⁴ *Code du Travail*, Articles 170-71.

³⁶³⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Turkey

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

The Government of Turkey has been a member of ILO-IPEC since 1992.³⁶³⁶ The Ministry of Labor and Social Security (MLSS) established a Child Labor Unit (CLU) that chairs an interagency advisory committee, comprising representatives of government ministries, NGOs, universities, and other United Nations agencies.³⁶³⁷ The CLU is also responsible for making and promoting child labor laws, launching new programs, and raising awareness with the public.³⁶³⁸ Since 1992 there have been 101 action programs launched by ILO-IPEC in cooperation with the government in an effort to combat child labor. Eleven of these action programs are ongoing. The ILO-IPEC country program in Turkey has been extended until 2006.³⁶³⁹ The CLU has contributed to the preparation of the child labor chapter in the Eighth Five-Year Development Plan of Turkey. This plan commits the government to respond to child labor and promote policies designed to combat child labor by increasing family income, providing social welfare, and reducing education costs for the poor.³⁶⁴⁰ The Apprenticeship Education Center of the Ministry of National Education (MONE), in conjunction with UNICEF, provides vocational training to 250,000 children working in the industrial sector.³⁶⁴¹

The World Bank and UNICEF have coordinated a number of education programs with MONE.³⁶⁴² UNICEF conducted several projects aimed at promoting universal education, including a Basic Education Pilot Project from 1996-1998.³⁶⁴³ In 2002, the World Bank approved a USD 300

³⁶³⁶ Turkey was one of the six original member countries of ILO-IPEC. ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 22, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³⁶³⁷ The Embassy of Turkey in Washington, D.C. submitted a report to USDOL. See Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labour in Turkey*, Washington, D.C., 2001, 5-7.

³⁶³⁸ Ibid. See also ILO-IPEC, *IPEC in Action: Turkey*, [online] 2000 [cited August 30, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/publ/field/europe/index.htm>.

³⁶³⁹ ILO, *Country Programme: Turkey*, [online] February 11, 2001 [cited August 30, 2002]; available from <http://www.ilo.org/public/english/region/eurpro/ankara/programme/>. For a list of some of the prominent action programs, see ILO-IPEC, *IPEC in Turkey 1998-1999: Overview of the Activities at the Country Level* (Ankara: 2000). The focus of the program is on developing pre-school education as a central component of basic education.

³⁶⁴⁰ Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labour*, 5.

³⁶⁴¹ UNICEF, *Ministry of National Education Apprenticeship Education Center*, [online] [cited August 30, 2002]; available from http://www.unicef.org/turkey/u_in_tr/apprtraining.htm.

³⁶⁴² For a brief review of World Bank projects, see the list of education programs in the database at UNICEF, *UNICEF in Turkey*, [online] [cited August 30, 2002]; available from http://www.unicef.org/turkey/u_in_tr/index.html#crc. See also World Bank, *Projects, Policies, and Strategies*, [online] 2002 [cited August 30, 2002]; available from <http://www4.worldbank.org/sprojects/Default.asp>.

³⁶⁴³ UNICEF, *UNICEF in Turkey*.

million loan to support the Second Basic Education Project that will improve education through a number of measures, including the construction of new classrooms, provision of education materials, and teacher training.³⁶⁴⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 7.8 percent of children ages 10 to 14 years in Turkey were working.³⁶⁴⁵ Children work in agriculture, metal work, woodworking, automobile and clothing industries, textiles, leather goods, personal and domestic services,³⁶⁴⁶ and automobile repair.³⁶⁴⁷ During certain seasons, heavy agricultural workloads prevent children from regularly attending classes.³⁶⁴⁸ Street children in the cities of Diyarbakır, Adana, and Istanbul collect trash, pick through garbage at dumpsites, shine shoes, and sell various goods.³⁶⁴⁹ Turkey is also a destination and transit country for girls who are trafficked for the purpose of commercial sexual exploitation from Romania, Russia, Ukraine, Moldova, Armenia, Azerbaijan, Bulgaria and Georgia.³⁶⁵⁰

Primary education is compulsory for 8 years for children between the ages of 6 and 14 under the Basic Education Act.³⁶⁵¹ Expenses for school, such as uniforms, books, and voluntary

³⁶⁴⁴ World Bank, *World Bank Board Approves \$300 Million Basic Education Loan*, [online] 2002 [cited August 30, 2002]; available from <http://wbln0018.worldbank.org/eca/eca.nsf/66d6f5004ed085ca852567d10011a8b8/2b4bbe319ceb563085256bf8006cc3ee?OpenDocument>.

³⁶⁴⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to a 1999 survey conducted by the State Institute of Statistics, 4.2% of children ages 6-14 were economically active (511,000) while 27.6 percent (3,329,000) were working at home. Approximately 80 percent of working children were also attending school. Embassy of Turkey, *Policies, Programmes, and Measures Against Child Labour in Turkey*, Washington, D.C., September 6, 2002.

³⁶⁴⁶ Government of Turkey and UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary*, [online] 1998 [cited August 30, 2002]; available from http://www.unicef.org/turkey/c_in_tr/sa98.htm. This data is based on a 1994 joint Ministry of Labour and Social Security-IPEC survey as well as a second joint IPEC-Turkish Development Foundation survey.

³⁶⁴⁷ Ibid. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Turkey*, Washington, D.C., February 23, 2001, Section 6d [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/844.htm>. The former study reports that children work in the automobile industry, but the *Country Reports* states automobile repair. The latter seems more likely.

³⁶⁴⁸ UNICEF, *State of Turkey's Children: Preliminary Report*, Ankara, December 1999, [cited August 30, 2002]; available from http://www.unicef.org/turkey/c_in_tr/sotc.htm.

³⁶⁴⁹ Bahattin Akit, Nuray Karancy, and Aye Gunduz-Hogor, *Turkey Working Street Children in Three Metropolitan Cities: A Rapid Assessment*, ILO, Geneva, October 2001 2001, 4-5.

³⁶⁵⁰ U.S. Department of State, *Trafficking in Persons Report- 2002: Turkey*, Washington, D.C., June 5, 2002, 103 [cited August 30, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Turkey*, Washington, D.C., March 4, 2002, 1856-64, [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8358.htm>. See also Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden on 28 August 1996*, ECPAT International, Bangkok, 2000, 124.

³⁶⁵¹ UNICEF, *UNICEF in Turkey*. See also Government of Turkey and UNICEF, *Children and Women in Turkey*. See also UNICEF, *State of Turkey's Children*.

contributions are costs that negatively affect low-income families.³⁶⁵² For the period between 1995 and 1999, the gross primary enrollment rate was 86 percent for girls and 98 percent for boys, while the net primary enrollment rate was 82 and 93 percent respectively.³⁶⁵³ Approximately 99 percent of those children enrolled reach grade five.³⁶⁵⁴

Child Labor Laws and Enforcement

The Labor Act establishes the minimum age for employment at 15 years, but allows children at least 13 years of age to perform light work that does not harm their health, development, or interfere with their education.³⁶⁵⁵ The Labor Law prohibits underground work for children under the age of 18 and precludes children under 16 years from working in heavy and hazardous work.³⁶⁵⁶ The minimum age for night work is 18 years.³⁶⁵⁷ Before beginning a job, children who are under 18 years of age must undergo a physical examination, which is to be repeated every six months.³⁶⁵⁸ Children under 18 years are not permitted to work in bars, coffee houses, dance halls, cabarets, casinos, and public baths.³⁶⁵⁹

The Apprenticeship and Vocational Training Act No. 3308 allows children ages 14 to 18 who have completed the mandatory eight years of education to be employed as apprentices. One day per week is dedicated to training and education, and the annual vacation for children is one month.³⁶⁶⁰ Criminal law forbids the sexual exploitation of children.³⁶⁶¹

³⁶⁵² UNICEF, *UNICEF in Turkey*. See also UNICEF, *State of Turkey's Children*.

³⁶⁵³ UNICEF, *Official Summary: The State of the World's Children 2002: Leadership*, United Nations Publications, New York, 2002, table 4 [cited December 18, 2002]; available from <http://www.unicef.org/sowc02summary/regionalsummaries.html>.

³⁶⁵⁴ Ibid.

³⁶⁵⁵ Labor Act, Article 67 as cited in Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labour*, 1. See also ILO-IPEC, *Turkey Working Street Children in Three Metropolitan Cities: A Rapid Assessment*, ILO, Geneva, November 2001, 24. Also see Fisek, *Turkish Laws on Working Children*, [online] [cited September 2, 2002]; available from <http://www.fisek.org.tr/e020/php>.

³⁶⁵⁶ Amendments to Labor Act, Articles 68, 69, and 78 as cited in Fisek, *Turkish Laws on Working Children*. See also ILO-IPEC, *Turkey: A Rapid Assessment*, 24.

³⁶⁵⁷ ILO-IPEC, *Turkey: A Rapid Assessment*, 24.

³⁶⁵⁸ Article 80 as cited in Ibid. See also Fisek, *Turkish Laws on Working Children*.

³⁶⁵⁹ See Article 176 of the 1930 General Health Care Act 1593 as cited in Turkish Confederation of Employer Associations and ILO Ankara, *Child Labour in Turkey* (Geneva: ILO Publications Bureau, 1997), 31.

³⁶⁶⁰ Apprenticeship and Vocational Training Act 3308 as quoted in Ibid., 29-30. See also Fisek, *Turkish Laws on Working Children*. See also ILO-IPEC, *Turkey: A Rapid Assessment*, 26. See also The Ministry of Labour and Social Security Labour Inspection Board, *Report on the Implementation of Labour Inspection Policy on Child Labour in Turkey*, Ankara, June 2000, 14.

³⁶⁶¹ UNICEF, *State of Turkey's Children*.

The MLSS Labor Inspection Board (BLI) is the government agency responsible for enforcing child labor laws in Turkey.³⁶⁶² The MLSS has been unable to effectively enforce many of the child labor laws for a variety of reasons, including inadequate legislation, traditional attitudes, socio-economic factors, and the predominantly informal nature of child labor in Turkey.³⁶⁶³ Therefore, the BLI has focused on protecting working children by improving their working conditions.³⁶⁶⁴

The Government of Turkey ratified ILO Convention 138 on October 30, 1998, and ILO Convention 182 on August 2, 2001.³⁶⁶⁵

³⁶⁶² The Ministry of Labour and Social Security Labour Inspection Board, *Report on Labour Inspection*, 5. See also Embassy of Turkey, *Policies Against Child Labour in Turkey*, 9. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labour*. The Labor Inspection Board is the mechanism within the MLSS that is responsible for enforcing child labor legislation. A project called “Implementation of Labour Inspection Policy on Child Labour in Turkey” was launched in 1995.

³⁶⁶³ The Ministry of Labour and Social Security Labour Inspection Board, *Report on Labour Inspection*, 3-5.

³⁶⁶⁴ Embassy of Turkey, *Policies Against Child Labour in Turkey*, 10. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labour*, 9.

³⁶⁶⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Tuvalu

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

The Government of Tuvalu began a review of national education policy in 2002 in order to address concerns regarding the quality of education in the country.³⁶⁶⁶ The government currently receives assistance from UNDP and UNICEF for a variety of national and regional programs that benefit children.³⁶⁶⁷ UNDP provides technical assistance to strengthen the capacities of local governments in Tuvalu and implements regional basic education, non-formal education, and poverty strategy initiatives in the Pacific.³⁶⁶⁸ UNICEF's programs specifically address children's health, youth development, and education.³⁶⁶⁹ The Governments of Australia and New Zealand provide funds for education-related projects and activities.³⁶⁷⁰ The Government of Australia supported a five-year project to improve the management and administration of the education system at the primary and secondary levels.³⁶⁷¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Tuvalu are unavailable. Reportedly, children are rarely employed in non-traditional sectors of the economy.³⁶⁷²

³⁶⁶⁶ Dr. Alesana K. Seluka, Minister of Education and Sports and Minister of Health, statement at the UN General Assembly Special Session on Children, New York: May 10, 2002, [cited August 15, 2002]; available from <http://www.un.org/ga/children/tuvaluE.htm>. See also Office of the United Nations Resident Coordinator, *Tuvalu: United Nations Development Assistance Framework*, United Nations, Suva, Fiji, May 2002, 9 [cited August 25, 2002]; available from http://www.undp.org.fj/documents/UNDAF_TUVALU%20May%202002.doc.

³⁶⁶⁷ United Nations Development Programme, *Program Info: Tuvalu*, [online] [cited November 8, 2002]; available from <http://www.undp.org.fj/tuv/tuvaluprog.htm>. See also UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries*, [online] [cited August 30, 2002]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.

³⁶⁶⁸ Youth at the United Nations, *Country Profiles on the Situation of Youth: Tuvalu*, [online] [cited August 30, 2002]; available from <http://esa.un.org/socdev/uniyin/countrya.asp?countrycode=tv>. See also United Nations Development Programme, *Program Info: Tuvalu*.

³⁶⁶⁹ UNICEF, *UNICEF's Program of Assistance*.

³⁶⁷⁰ Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, Annex 3.

³⁶⁷¹ Australian Agency for International Development, *Country Brief Tuvalu*, AusAID.gov, [online] [cited September 5, 2002]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=5241_4447_7119_7336_4068&CountryId=22.

³⁶⁷² According to U.S. Department of State Pacific Desk Officer, "traditional economy" refers to informal work that takes place in the home or on a family farm. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Tuvalu*, Washington, D.C., March 4, 2002, 1206, Section 6d [cited August 2, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8381.htm>.

Under Tuvalu's Education for Life Program,³⁶⁷³ education is free and compulsory between the ages of 6 and 15 years.³⁶⁷⁴ In 1998, the gross and net primary enrollment rates were both 100 percent.³⁶⁷⁵ Primary school attendance rates are unavailable for Tuvalu. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁶⁷⁶

Child Labor Laws and Enforcement

Tuvallese law sets the minimum age of employment at 14 years, and a child must be 18 years old to sign a formal work contract.³⁶⁷⁷ The law prohibits industrial labor or work on ships by children less than 15 years of age.³⁶⁷⁸ In addition, the Constitution and the Penal Code prohibit forced labor.³⁶⁷⁹ The Penal Code criminalizes the procurement of a child less than 18 years of age for prostitution. While the law does not specifically address trafficking in children, the kidnapping or abducting of children is prohibited under the Penal Code.³⁶⁸⁰

The Government of Tuvalu is not a member of the ILO, and as such has not ratified ILO Convention 138 or ILO Convention 182.³⁶⁸¹

³⁶⁷³ Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, 9.

³⁶⁷⁴ UNESCO, *Pacific Subregion Statistical Indicators*, [cited August 29, 2002]; available from <http://www.unesco.org/focus/statpacedu.html>. See also UNESCO, *Education for All 2000 Assessment: Country Reports- Tuvalu*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, 2000, Section 6.2 [cited November 6, 2002]; available from <http://www2.unesco.org/wef/countryreports/tuvalu/contents.html>.

³⁶⁷⁵ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³⁶⁷⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁶⁷⁷ U.S. Department of State, *Country Reports- 2001: Tuvalu*, 1206, Section 6d.

³⁶⁷⁸ *Ibid.*

³⁶⁷⁹ *Constitution of Tuvalu*, Article 17, (1978), [cited August 15, 2002]; 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.

³⁶⁸⁰ *Penal Code*, Articles 136, 241, 42, 46, and 47.

³⁶⁸¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Uganda

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

The Government of Uganda has been a member of ILO-IPEC since 1998.³⁶⁸² In 1999, with funding from USDOL and USAID and technical assistance from ILO-IPEC, the Government of Uganda launched a National Program to Eliminate Child Labor, which focuses on children working in commercial agriculture, construction, street children, commercial sex and domestic workers, fishing, and cross-border smuggling/drug trafficking.³⁶⁸³ The Ministry of Gender, Labour and Social Development established a Child Labor Unit to develop policies and programs on child labor, to promote coordination and networking among key stakeholders and to monitor the implementation of programs.³⁶⁸⁴ In 2000, the Statistics Department of the Ministry of Finance, Planning and Economic Development, with funding from the USDOL and USAID and technical assistance from the ILO-IPEC's SIMPOC, conducted a national survey on child labor.³⁶⁸⁵ Uganda is also one of five countries participating in a USDOL-funded ILO-IPEC regional program to combat child labor in the commercial agricultural sector.³⁶⁸⁶

The Universal Primary Education (UPE) program was launched in 1997 to improve access to education, improve the quality of education, and ensure that education is affordable.³⁶⁸⁷ In Financial Year 2000-2001 education was the largest expenditure in the government budget, with an

³⁶⁸² ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited November 15, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³⁶⁸³ Regina Mbabzi, ILO-IPEC coordinator, interview with USDOL official, August 14, 2000. See also ILO-IPEC, *National Programme on the Elimination of Child Labor in Uganda*, project document, UGA/99/05/050, Geneva, October, 1998, revised 1999, 3.

³⁶⁸⁴ FIDA (Uganda), *Children in Domestic Service: A Survey in Kampala District*, International Federation of Women Lawyers (FIDA), Kampala, 2000, 14.

³⁶⁸⁵ The Uganda Bureau of Statistics has prepared the final report and is waiting publication. See ILO-IPEC, *National Programme on the Elimination of Child Labor in Uganda*, technical progress report, Geneva, September 2002.

³⁶⁸⁶ Among the institutions anticipated to play an active role in the project are the Federation of Uganda Employers, the National Organization of Trade Unions, the National Union of Plantation and Agricultural Workers, the World Food Program, UNICEF, Save the Children, various government ministries, and other nongovernmental and community-based organizations providing direct services to child laborers. See ILO-IPEC, *Targeting the Worst Forms of Child Labor in the Tea, Tobacco and Coffee Sectors in Uganda*, Geneva, September 2000. The other countries in the project are Ghana, South Africa, Zambia and South Africa, see U.S. Department of Labor, *ILO-IPEC*, Bureau of International Labor Affairs, [online] [cited September 25, 2002]; available from http://www.dol.gov/ILAB/programs/tech_assist/ilopec/main.htm.

³⁶⁸⁷ Ministry of Education and Sports, *The Ugandan Experience of Universal Primary Education (UPE)*, Government of Uganda, Kampala, July 1999, 10.

allocation of 26.7 percent; of this amount, 68.6 percent was allocated to primary education.³⁶⁸⁸ UPE has raised primary school enrollment from 3.1 million children in 1996 to 6.6 million children in 1999.³⁶⁸⁹ The Government of Uganda has also begun several programs to improve girls' education, such as the Girl Education Movement, which seeks to improve girls' leadership and technical skills, the Girl Child Education Strategy, which seeks to increase girl student enrollment and, in conjunction with UNICEF, a "Non-Formal Alternatives" program aimed to teach basic skills to girls ages 10 to 16 years who have never attended school.³⁶⁹⁰

Some major obstacles to the provision of quality education remain. These obstacles include the inability of teacher recruitment to keep pace with rising enrollment, low teacher salaries, poor payroll management, inefficient bureaucracy, a lack of professional development and training opportunities for teachers, sexual harassment of female teachers and a lack of incentives to attract teachers to hard-to-reach areas.³⁶⁹¹ In 1999, approximately one-fourth of all students failed the final examinations in primary school.³⁶⁹² The Government of Uganda works with international and multinational agencies to provide education to the country's children through the Alternative Basic Education for Karamoja program, which brings literacy programs into the homes of children not attending formal school, and the Complementary Opportunities for Primary Education initiative, for children ages 10 to 16 years who have never attended school or dropped out before acquiring basic literacy and numerical skills.³⁶⁹³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 43.8 percent of children ages 10 to 14 years were working in Uganda.³⁶⁹⁴ Children sell small items on the streets, beg, wash cars, scavenge and work in the commercial sex industry.³⁶⁹⁵ Children work on commercial farms, including tea, coffee, and

³⁶⁸⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Uganda*, Washington, D.C., March 4, 2002, 727-30, Section 5 [cited September 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8409.htm>. See also Ministry of Education and Sports, *Seventh Education Sector Review: Aide memoire*, [online] April 2002 [cited September 3, 2002]; available from <http://www.education.go.ug>. The "outturn" — the amount actually spent — was 24.9 percent on education overall, of which 67.4 percent was spent on primary education.

³⁶⁸⁹ Fred Kirungi, "Uganda Tackling School Bottlenecks," *Africa Recovery*, July 2000, Vol. 14, no. 2 [cited August 26, 2002]; available from <http://www.un.org/ecosocdev/geninfo/afrec/subjindx/142educ4.htm>.

³⁶⁹⁰ U.S. Embassy- Kampala, *unclassified telegram no. 2989*, September 18, 2001.

³⁶⁹¹ International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper*, progress report, March 9, 2001. See also Ministry of Education and Sports, *Seventh Education Sector Review*, para. 40.

³⁶⁹² International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper*, progress report.

³⁶⁹³ See UNESCO, *Education for All 2000 Assessments: Country Reports- Uganda*, prepared by Ministry of Education and Sports, pursuant to UN General Assembly Resolution 52/84, [cited December 19, 2002]; available from <http://www2.unesco.org/wef/countryreports/uganda/contents.html>.

³⁶⁹⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁶⁹⁵ Sophie Kyagulanyi, legal assistant for the Foundation for Human Rights Initiative, electronic communication to USDOL official, September 29, 2000. See also U.S. Department of State, *Country Reports- 2001: Uganda*, 730-34, Section 6d.

tobacco.³⁶⁹⁶ The Government of Uganda reports that some of the worst forms of child labor in the country include heavy domestic work, commercial sex and sexual slavery, the smuggling of merchandise across borders, the use of children as soldiers, and work performed by children living on the streets.³⁶⁹⁷

Dissident military groups have also forced children into military service. Two antigovernment rebel groups, The Lord's Resistance Army (LRA) and the Allied Democratic Forces, have reportedly abducted approximately 10,000 children in northern Uganda and southern Sudan for use as soldiers, porters and sex slaves.³⁶⁹⁸ An estimated 4,000 children abducted by the LRA continue to be held in southern Sudan.³⁶⁹⁹

The Constitution states that a child is entitled to basic education, which is the responsibility of the state and the child's parents.³⁷⁰⁰ However, education is neither free nor compulsory;³⁷⁰¹ the Government of Uganda pays the school fees for four children per family and provides free textbooks.³⁷⁰² In 1998, the gross primary enrollment rate was 154.1 percent; in 1997, the net primary enrollment rate was 87.3 percent.³⁷⁰³ An estimated 94 percent of children reached grade

³⁶⁹⁶ Kyagulanyi, electronic communication, September 29, 2002. According to a survey conducted by the Federation of Uganda Employers, of 115 enterprises involved in tea, coffee, sugar, rice and tobacco production, children perform a variety of tasks, including harvesting tea and tobacco (25 percent), picking coffee beans (23 percent), weeding (14 percent), slashing (9 percent), spraying (9 percent), and sorting tobacco (5 percent). Federation of Uganda Employers (FUE), *The Employers' Effort in Eliminating Child Labour Within the Formal Agricultural Sector in Uganda: A Study Conducted by FUE*, April 1999, 22.

³⁶⁹⁷ Republic of Uganda, "Uganda's Report and Position on Child Labour" (paper presented at the OUA/ILO African Regional Tripartite Conference on Child Labour, Kampala, January 1998), 6.

³⁶⁹⁸ African Church Information Service, *Uganda; Release All Child Soldiers, UN Agency Tells Rebel Group*, Africa News, [online] March 18, 2002 [cited December 19, 2002]; available from <http://www.globalmarch.org/clns/daily-news/march-2002/march-18-2002.htm>. See also Tom Barton, Alfred Mutiti, and the Assessment Team, *Northern Uganda Psycho-Social Needs Assessment*, Marianum Press, Kisubi, 1998, vii-viii. The Lord's Resistance Army in the north and the Allied Democratic Forces in the southwest are reported to abduct children. There are reports that the Government of Uganda recruited children to work as soldiers during the 1980s, but there have been no reports of such activity since 2000. See Coalition to Stop the Use of Child Soldiers, "Uganda," in *Global Report 2001*, [cited January 30, 2003]; available from <http://www.child-soldier.org/report2001/countries/uganda/html>. See also Barton, Mutiti, and Team, *Northern Uganda Psycho-Social Needs Assessment*, vii-viii. See also U.S. Department of State, *Trafficking in Persons Report- 2001: Uganda*, Washington, D.C., July 2001, 104 [cited December 19, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3928.htm>. The number of abductions dropped in 2001. No abductions were reported in the first three months of 2002. See African Church Information Service, *Uganda; Release All Child Soldiers*.

³⁶⁹⁹ U.S. Department of State, *Country Reports- 2001: Uganda*, 730-34, Section 6f. According to UNICEF, a total of 5,555 abducted children were missing as of March 18, 2002. African Church Information Service, *Uganda; Release All Child Soldiers*.

³⁷⁰⁰ *Constitution of the Republic of Uganda*, Article 34 (2) [cited August 14, 2001]; available from <http://www.government.go.ug/constitution/chapt4.htm>.

³⁷⁰¹ U.S. Embassy- Kampala, *unclassified telegram no. 2989*.

³⁷⁰² Ministry of Education and Sports, *The Ugandan Experience of UPE*, 10.

³⁷⁰³ World Bank, *World Development Indicators 2002*.

five.³⁷⁰⁴ Primary school attendance rates are unavailable for Uganda. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁷⁰⁵

Child Labor Laws and Enforcement

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 or work that would otherwise endanger their health, physical, mental, spiritual, moral, or social development or that would interfere with their education.³⁷⁰⁶ The Employment Decree of 1975, Section 50, sets the minimum age for employment at 12 years, except for light work as proscribed by the Minister of Labor by statutory order.³⁷⁰⁷ Children's Statute No. 6 of 1996 also prohibits the employment of children under 18 in work that may be harmful to their health, education, or mental, physical, or moral development.³⁷⁰⁸

Article 125 of the Penal Code prohibits individuals from soliciting females for prostitution; violation of this code is punishable by up to 7 years of imprisonment.³⁷⁰⁹ Owning or occupying a premise where a girl under age 18 is sexually exploited is a felony, and offenders are subject to 5 years of imprisonment.³⁷¹⁰ Under Article 123 of the Penal Code, rape of a girl under the age of 18 is an offense punishable by imprisonment for up to 18 years with or without corporal punishment.³⁷¹¹

The Armed Forces (Conditions of Service) Regulations set the minimum age for military service at 18 years, although children age 13 and older may enroll with the permission of a parent or guardian.³⁷¹² The Ministry of Gender, Labor and Social Development is the primary institution responsible for investigating and addressing complaints related to child labor.³⁷¹³ The Government of Uganda has not ratified ILO Convention 138, but did ratify ILO Convention 182 on June 21, 2001.³⁷¹⁴

³⁷⁰⁴ Ibid.

³⁷⁰⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁷⁰⁶ *Constitution of the Republic of Uganda*, Articles 34 (4) (5).

³⁷⁰⁷ Republic of Uganda, "Uganda's Report and Position on Child Labour", 25.

³⁷⁰⁸ Ibid.

³⁷⁰⁹ Government of Uganda, Penal Code of Uganda, Article 125, as cited in Protection Project, *Country Report: Uganda*, [database online] January 2001 [cited October 10, 2002]; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaF.pdf>.

³⁷¹⁰ Ibid.

³⁷¹¹ Deborah Serwada, "Defilement" (paper presented at the Report of the Policy Maker's Seminar on Child Abuse, Uganda, June 7, 2000), 6.

³⁷¹² Coalition to Stop the Use of Child Soldiers, "Uganda."

³⁷¹³ U.S. Embassy- Kampala, *unclassified telegram no. 2989*.

³⁷¹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 14, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Uruguay

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

Uruguay is an associated country of ILO-IPEC.³⁷¹⁵ In December 2000, the Government of Uruguay created a National Committee for the Eradication of Child Labor.³⁷¹⁶ ILO-IPEC has worked with the government and the committee to harmonize the country's laws with ILO conventions on children, improve child labor statistics, develop child labor monitoring and inspection systems, and strengthen social policies and conduct awareness raising campaigns on the issue.³⁷¹⁷ The ILO's Inter-American Center for Research and Documentation on Professional Formation funds a number of projects to socially integrate youth into schools and the greater community.³⁷¹⁸ In November 2002, the IDB approved funding to the Government of Uruguay to improve the living conditions of at-risk children and adolescents, which will include measures to reduce the risk of school attrition, child labor and child abuse.³⁷¹⁹

As part of its national action plan for children, the government has undertaken various initiatives to encourage school attendance and improve the quality of basic education, such as the provision of lunches and medical attention in schools, introduction of a longer school day, more coordinated curricula, teacher training, and projects designed to encourage local involvement in school programs.³⁷²⁰ The National Child and Adolescent Institute (INAME) heads a collaborative effort to provide parents of working children with monthly payments in exchange for regular class attendance by their children.³⁷²¹ INAME also works with at-risk youth such as those living on the

³⁷¹⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited September 5, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm. See also ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Regional Office for Latin America and the Caribbean, Lima, 13 [cited December 19, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/documentos/folletomercosur.doc>.

³⁷¹⁶ ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil*, 13. The committee is composed of representatives from government agencies and nongovernmental organizations such as the Ministry of Labor, the National Children's Institute, labor unions, the Chamber of Commerce, the National Association of Nongovernmental Organizations, and UNICEF. See Ricardo Nario, Embassy of Uruguay, facsimile communication to USDOL official, September 6, 2002.

³⁷¹⁷ ILO-IPEC official, electronic communication to USDOL official, October 1, 2002.

³⁷¹⁸ ILO-IPEC, *Observatorio de experiencias: Uruguay, programas y proyectos ejecutados por el Instituto de Educación Popular el Abrojo*, [online] [cited September 6, 2002]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/exp/uru/abrojo/index.htm>.

³⁷¹⁹ Inter-American Development Bank, *IDB Approves \$40 Million for Comprehensive Program to Benefit At-Risk Children, Adolescents and Families in Uruguay*, [online] November 20, 2002 [cited November 26, 2002]; available from <http://www.iadb.org/exr/PRENSA/2002/cp26302e.htm>.

³⁷²⁰ ILO-IPEC Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*, UNICEF, [online] 1999 [cited September 6, 2002]; available from http://www.unicef.org/lac/espanol/informe_regional/uruguay/acciones.htm.

³⁷²¹ The payments approximate the amount of money that a child would earn working on the street. U.S. Embassy-Montevideo, *unclassified telegram no. 1824*, September 2000.

street and provides adolescents with work training.³⁷²² The government collaborates with NGOs to fund the Child and Family Service Center Plan,³⁷²³ which provides after school recreational programs for children and special services for street children.³⁷²⁴ INAME heads the Interinstitutional Group for the Prevention and Protection of Children against Youth Sexual Exploitation, which conducts research on the phenomenon and operates a toll-free phone number to connect victims with support services.³⁷²⁵

The National Administration of Public Education (ANEP), an autonomous government agency,³⁷²⁶ has developed a project to train teachers and educate students on children's rights.³⁷²⁷ In August 2002, Uruguay received a USD 3.9 billion loan package from the World Bank, IMF, and the Inter-American Development Bank that, in addition to several other purposes, is intended to support research and school rehabilitation conducted by ANEP.³⁷²⁸ This loan is in addition to a USD 43.4 million loan from the World Bank in April 2002 for pre-school and primary education.³⁷²⁹

Uruguay is also participating in regional efforts to combat child labor. In 1997, Uruguay was a party to the Declaration of Buenos Aires, in which it agreed, along with the MERCOSUR partners (Argentina, Brazil, and Paraguay) and Chile, to promote the harmonization of regional laws and carry out awareness raising activities related to child labor.³⁷³⁰ Uruguay has also committed to exchange best practices in regard to child labor inspections and statistics with its MERCOSUR partners.³⁷³¹ In addition to providing support for these efforts, ILO-IPEC is also promoting regional projects to strengthen civil society partners, incorporate child labor themes into national and regional policies, remove children from child labor through direct action programs, and establish observer committees responsible for evaluating progress.³⁷³²

³⁷²² National Institute for Minors, *Centro de Formación y Estudios*, INAME, [online] [cited September 6, 2002], 12; available from <http://www.iname.gub.uy/TAREA.htm>.

³⁷²³ Carmen Midaglia, *Alternativas de protección a la infancia carenciada: La peculiar convivencia de lo público y privado en el Uruguay*, Colección Becas de Investigación CLACSO-ASDI, Buenos Aires, December 2000, 12 [cited December 19, 2002]; available from <http://www.clacso.edu.ar/~libros/midaglia/introduccion.pdf>.

³⁷²⁴ ILO-IPEC Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*.

³⁷²⁵ Other governmental agencies and UNICEF are also members of the commission. Martin Marzano Luissi, *La Experiencia Uruguaya en Explotación Sexual de Niños, Niñas y Adolescentes*, Instituto Nacional del Menor.

³⁷²⁶ Inter-American Development Bank, *Uruguay: Social Protection and Sustainability Program (UR-0151)*, IDB, Washington, D.C., August 7, 2002, 7 [cited December 19, 2002]; available from <http://www.iadb.org>.

³⁷²⁷ National Administration of Public Education (ANEP), *Derechos del niño: Derechos deberes y garantías, una propuesta pedagógica hacía un indicador de logro actitudinal, segunda parte del proyecto*, [online] [cited September 6, 2002]; available from <http://www.anep.edu.uy/primaria/InformacionInstitucional/ProyectosCEP/Derechos1.htm>.

³⁷²⁸ World Bank, *World Bank Approves \$300 Million to help Uruguay Cope with External Shocks, Strengthen Economic Reforms*, (News Release No. 2002/056/LCR), [online] August 8, 2002 [cited September 6, 2002]; available from <http://www.worldbank.org>. See also Inter-American Development Bank, *Uruguay: Social Protection and Sustainability Program*, 16, 19.

³⁷²⁹ World Bank, *Uruguay: World Bank Approves \$43.4 Million for Pre-school and Primary Education*, (2002/294/LAC), [online] April 25, 2002 [cited September 6, 2002]; available from <http://worldbank.org>.

³⁷³⁰ ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil*, 5.

³⁷³¹ Ibid.

³⁷³² Ibid., 18-19.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 1 percent of children ages 10 to 14 years were working in Uruguay.³⁷³³ The incidence of working boys is greater than that of working girls, and this ratio increases in rural areas.³⁷³⁴ Children work in services, stores, agriculture, ranching, industry, and as artisans and domestic servants.³⁷³⁵ More children work in the interior of the country than in Montevideo, the capital city.³⁷³⁶ Children as young as age 11 or 12 reportedly engage in prostitution;³⁷³⁷ these children work in entertainment establishments and in regions that cater to tourists, such as the resort of Punta del Este.³⁷³⁸ A trafficking ring that brought a small number of Ecuadorian youths to the country and forced them to work in unhealthy conditions was discovered in May 2001.³⁷³⁹

Education is compulsory for a total of nine years, beginning at the primary level, and is free from the pre-primary through the university level.³⁷⁴⁰ In 1998, the gross primary enrollment rate was 112.8 percent, and the net primary enrollment rate was 92.3 percent.³⁷⁴¹ Primary school attendance rates are unavailable for Uruguay. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁷⁴²

Child Labor Laws and Enforcement

The Children and Adolescents' Code sets the minimum age for employment at 14 years.³⁷⁴³ Under rare circumstances, adolescents between the ages of 14 and 15 may be granted special permission

³⁷³³ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁷³⁴ ILO-IPEC, "Uruguay" in *Trabajo infantil en los países del MERCOSUR: Argentina, Brasil, Chile, Paraguay, Uruguay*, Regional Office for Latin America and the Caribbean, Lima, 1998, 99.

³⁷³⁵ Ibid.

³⁷³⁶ Ibid.

³⁷³⁷ ECPAT International, *Uruguay*, in ECPAT International, [database online] 2002 [cited September 6, 2002], "CSEC Overview"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁷³⁸ Ibid. See also Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action adopted at the First World Congress against Commercial Sexual Exploitation of Children*, Stockholm, 1999-2000.

³⁷³⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Uruguay*, Washington, D.C., March 4, 2002, 3064-65, Section 6f [cited December 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8231pf.htm>.

³⁷⁴⁰ U.S. Embassy- Montevideo, *unclassified telegram no. 1824*. See also UNESCO, *Uruguay- Education System*, [online] 2002 [cited September 6, 2002]; available from <http://www.unesco.org>.

³⁷⁴¹ World Bank, *World Development Indicators 2002*.

³⁷⁴² For a more detailed description on the relationship between education statistics and work, see the preface to this report.

³⁷⁴³ Government of Uruguay, *Ley núm. 9342, por la que se dicta el Código del niño*, [cited September 6, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

to work by the Ministry of Labor and Social Security.³⁷⁴⁴ Minors between the ages of 15 and 18 also require government permission to work, and are prohibited from engaging in dangerous, fatiguing or night work.³⁷⁴⁵ All working children under the age of 18 must obtain a work card issued by the National Child and Adolescent Institute and must provide it to their employers.³⁷⁴⁶ Article 294 of the Uruguayan Penal Code prohibits procuring a person for prostitution.³⁷⁴⁷ The trafficking of children and child pornography are criminal offenses in Uruguay.³⁷⁴⁸

The Ministry of Labor and Social Security is responsible for enforcing labor laws.³⁷⁴⁹ The Adolescent Labor Division of INAME bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.³⁷⁵⁰ Minimum age laws and laws prohibiting forced or bonded labor by children are generally enforced in practice.³⁷⁵¹

Uruguay ratified ILO Convention 138 on June 2, 1977, and ILO Convention 182 on August 3, 2001.³⁷⁵²

³⁷⁴⁴ U.S. Department of State, *Country Reports- 2001: Uruguay*, 3064-65, Section 6d.

³⁷⁴⁵ Ibid.

³⁷⁴⁶ Work cards must contain a medical certificate reflecting the child's good health and parental authorization. During the first 9 months of 2000, National Institute for Children (INAME) issued approximately 1,445 work cards to children between the ages of 14 and 18, with three-fourths of these going to boys. U.S. Embassy- Montevideo, *unclassified telegram no. 1824*.

³⁷⁴⁷ If the victim is younger than 14 years, the punishment is 4 years of imprisonment. See United Nations Development Programme, *Uruguay: Legislación sobre violencia*, [online] 2002 [cited September 6, 2002]; available from <http://www.undp.org/rblac/gender/campaign-spanish/uruguay.htm>.

³⁷⁴⁸ U.S. Embassy- Montevideo, *unclassified telegram no. 1824*.

³⁷⁴⁹ ILO-IPEC, *Trabajo Infantil en los países del MERCOSUR*, 101.

³⁷⁵⁰ ILO-IPEC Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*.

³⁷⁵¹ U.S. Department of State, *Country Reports- 2001: Uruguay*, 3064-65, Section 6d.

³⁷⁵² ILO, *Ratifications by Country*, ILOLEX, [database online] [cited September 6, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Uzbekistan

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

In 2000, the Republic of Uzbekistan and UNICEF signed a cooperation agreement for the 2000-2004 period which incorporates the protection, development and well-being of children and youth into its approach.³⁷⁵³ Another government initiative, the State Program on Forming a Healthy Generation (2000 – 2005), focuses on improving childhood development in such areas as health and education.³⁷⁵⁴ The government works with community-based *Makhalla* organizations, a pre-Soviet system of community-based management and social service provision, to protect children at the community level through a neighborhood monitoring mechanism. The *Makhalla* benefits low-income families with children under the age of 16.³⁷⁵⁵ In 2001, the government created the Family, Mother and Child Welfare Secretariat and the Committee for Youth Affairs.³⁷⁵⁶

The government's education reform program has expanded the compulsory term of study from 9 to 12 years and has increased the level of pre-professional training.³⁷⁵⁷ To encourage attendance, the state provides aid to students from low-income families in the form of scholarships, full or partial boarding, textbooks, and warm clothing.³⁷⁵⁸ In addition, children from underprivileged households are provided with free medical services.³⁷⁵⁹ A youth social protection program offers retraining and skills improvement classes for school dropouts.³⁷⁶⁰ Girls who work in unfavorable conditions are provided with compensation, such as shorter work days/weeks, food allowances and free medical service.³⁷⁶¹

³⁷⁵³ UNICEF, *UNICEF in Action- Country Highlights: Uzbekistan*, [online] [cited September 9, 2002], 11; available from http://www.unicef.org/programme/countryprog/cee_cis/uzbekistan/situation.htm.

³⁷⁵⁴ UNICEF, *Executive Summary of the Republic of Uzbekistan on Implementation of the Resolutions of the World Summit for Children*, D, "The Further Activity", 23 [cited September 3, 2002]; available from http://www.unicef.org/specialsession/how_country/edr_uzbekistan_en.PDF.

³⁷⁵⁵ U.S. Embassy- Tashkent, *unclassified telegram no. 3730*, October 15, 2002. See also UNICEF, *Executive Summary*, D, "Poverty Problem Solution", 22-23.

³⁷⁵⁶ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Uzbekistan*, CRC/C/15/Add.167, November 7, 2001, B, "Positive Aspects" 6, 3.

³⁷⁵⁷ The twelve years of mandatory schooling consist of 4 years at the primary level, 5 years at the secondary level, and 3 years of professional or vocation training in special training centers and colleges. U.S. Embassy- Tashkent, *unclassified telegram no. 3730*. See also Government of Uzbekistan, *Multiple Indicator Cluster Survey (MICS)*, Understanding Children's Work, December 5, 2000, [cited September 9, 2002]; available from http://www.childinfo.org/MICS2/natlMICSrepz/Uzbekistan/UZBA_MICS_REPORT_Final%20%20.pdf.

³⁷⁵⁸ UNICEF, *Executive Summary*, C, "Domestic and International Community", 10.

³⁷⁵⁹ *Ibid.*, D, "Attention to Children, Who live Under Especially Difficult Conditions", 19.

³⁷⁶⁰ *Ibid.*, 11.

³⁷⁶¹ *Ibid.*, C, "Domestic and International Community", 9.

In collaboration with the Government of Uzbekistan, UNICEF's Young People's Well-Being Program supports existing efforts to improve awareness of healthy lifestyles for children. Beneficiaries of the program include working children and sexually exploited children.³⁷⁶²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 23.4 percent of children ages 5 to 15 years in Uzbekistan were working.³⁷⁶³ Children work in agriculture in rural areas, where the large-scale, compulsory mobilization of children to help with cotton harvests has been reported.³⁷⁶⁴ Schools allegedly close in rural areas to allow children to work during the cotton harvest.³⁷⁶⁵ Popular media report that children help cultivate rice and raise silk worms in rural areas, and work as shop assistants, transport conductors, waiters, couriers and as home and office cleaners in cities.³⁷⁶⁶ Children frequently work as temporary hired workers, or *Mardikors*, without access to the social insurance system.³⁷⁶⁷ Various NGOs have reported that incidents of sexual exploitation of young women are increasing, although exact numbers are not available.³⁷⁶⁸ Women and girls are reportedly trafficked to destinations including the Persian Gulf, South Korea, Thailand, and Turkey for the purposes of commercial sexual exploitation.³⁷⁶⁹

Education is compulsory for twelve years.³⁷⁷⁰ In 1998, the gross primary enrollment rate was 99.6 percent, and the net primary enrollment rate was 87.8 percent.³⁷⁷¹ Approximately 73.4 percent of primary school age children attend school regularly, and at the national level, attendance rates for boys and girls are the same.³⁷⁷² In 2000, 88.7 percent of children who attended the first grade

³⁷⁶² UNICEF, *UNICEF in Action- Country Highlights*.

³⁷⁶³ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Uzbekistan, *Multiple Indicator Cluster Survey*.

³⁷⁶⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Uzbekistan*, Washington, D.C., March 4, 2002, 1941-43, Section 6c [cited December 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8366.htm>. See also Ministry of Public Education, letter to USDOL official regarding forced cotton-picking practices, August 30, 2000.

³⁷⁶⁵ U.S. Department of State, *Country Reports- 2001: Uzbekistan*, 1941-43, Section 6c.

³⁷⁶⁶ Ibid. See also Cango.net, *Initiative Newsletter: The Situation with Child Labour is Unlikely to Change in the Foreseeable Future*, cango.net, [online] 2002, [cited December 19, 2002]; available from <http://www.cango.net/news/archive/spring-2002/a0002.asp>.

³⁷⁶⁷ Cango.net, *The Situation with Child Labour is Unlikely to Change in the Foreseeable Future*.

³⁷⁶⁸ International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women's Rights: Uzbekistan*, Vienna, 2000, 505-06. See also U.S. Department of State, *Country Reports- 2001: Uzbekistan*, 1939-41, Section 5.

³⁷⁶⁹ U.S. Department of State, *Country Reports- 2001: Uzbekistan*, Section 6f.

³⁷⁷⁰ U.S. Embassy- Tashkent, *unclassified telegram no. 3730*.

³⁷⁷¹ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³⁷⁷² Government of Uzbekistan, *Multiple Indicator Cluster Survey*, 5 and Annex, Table 11

reached the fifth grade,³⁷⁷³ and the percentage for children in urban areas is higher than that of children in rural areas.³⁷⁷⁴

The state is implementing policies that shift the burden of financing education to the family. In addition, maintenance of school buildings has been cut and school supplies are scarce.³⁷⁷⁵ Due to low salaries, teachers often demand additional payments from students and their families, and parents are often asked to cover the costs of school repairs.³⁷⁷⁶ Declining enrollment and high dropout, repetition, and absenteeism rates in both primary and secondary schools have been reported.³⁷⁷⁷

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.³⁷⁷⁸ All working children between the ages of 14 and 18 are required to obtain written permission from a parent or guardian and work cannot interfere with their studies.³⁷⁷⁹ The Labor Code prohibits children less than 18 years of age from working in unfavorable labor conditions and establishes limited work hours for minors.³⁷⁸⁰ The Constitution prohibits forced labor except when fulfilling a court sentence.³⁷⁸¹ The Criminal Code prohibits the abduction and recruitment of children for the purposes of exploitation.³⁷⁸² The Code also provides punishments for people who profit from prostitution and maintain brothels.³⁷⁸³

³⁷⁷³ Ibid., Annex, Table 10

³⁷⁷⁴ UNICEF, *Executive Summary*, Annex, Table 11.

³⁷⁷⁵ UNICEF, *UNICEF in Action- Country Highlights*.

³⁷⁷⁶ U.S. Embassy- Tashkent, *unclassified telegram no. 3730*.

³⁷⁷⁷ UN Committee on the Rights of the Child, *Concluding Observations*, para. 57.

³⁷⁷⁸ Fourteen year-olds can only work in light labor that does not negatively affect their health and/or development. U.S. Embassy- Tashkent, *unclassified telegram no. 3730*.

³⁷⁷⁹ 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. Ibid.

³⁷⁸⁰ 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, February 19, 2001, para. 315, 18 and 24. The government issued a list of jobs that fall into the category of “unfavorable labor conditions,” which include subway and tunnel construction, metallurgy, drilling and exploration for oil and gas, chemical/microbiological production, and aircraft repair and construction. See U.S. Embassy- Tashkent, *unclassified telegram no. 3730*.

³⁷⁸¹ *Constitution of the Republic of Uzbekistan*, 1992, (December 8, 1992), [cited October 24, 2001]; available from <http://www.ecostan.org/Laws/uzb/uzbekistancon.html>. See also U.S. Department of State, *Country Reports- 2001: Uzbekistan*, 1941-43, Section 6c.

³⁷⁸² UN Committee on the Rights of the Child, *Initial Reports of States Parties: Uzbekistan*, para 150. Penalties vary depending on the crime, ranging from fines to imprisonment of up to 5 years. See Articles 135 and 137 of the Criminal Code, as cited in International Helsinki Federation for Human Rights, *Women 2000*, 505-06.

³⁷⁸³ International Helsinki Federation for Human Rights, *Women 2000*, 505.

The Ministry of Labor and Social Protection, the Prosecutor's Office and the trade unions are the bodies responsible for labor issues. Punishments and enforcements seem to be sufficient in the formal economic sector, but less so in the family-based and agricultural sectors.³⁷⁸⁴

The Government of Uzbekistan is not an ILO-IPEC member³⁷⁸⁵ and as such has not ratified either ILO Convention 138 or ILO Convention 182.³⁷⁸⁶

³⁷⁸⁴ U.S. Embassy- Tashkent, *unclassified telegram no. 3730*.

³⁷⁸⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited October 10, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³⁷⁸⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 24, 2001]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Vanuatu

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

In 1997, the Government of Vanuatu created a Comprehensive Reform Program (CRP) concentrating mainly on education.³⁷⁸⁷ A major goal of the CRP program was to introduce 10 years of compulsory education for all children by the year 2010.³⁷⁸⁸ UNICEF is working with the Ministry of Health, other governmental departments, NGOs, and Pacific Island Regional Organizations to address the issues of early childhood education.³⁷⁸⁹ Another goal of the government is to increase access to secondary school education for students who complete primary school.³⁷⁹⁰ To meet this goal the government has gained assistance from the Peace Corps in launching its “Youth with Potential” project. Peace Corps volunteers have taken the lead by developing educational curricula and teaching secondary school math, science and English.³⁷⁹¹ By the end of 2002, it is estimated that volunteers will have taught approximately 9,500 students.³⁷⁹²

Incidence and Nature of Child Labor

Statistics on the number of working children in Vanuatu under age 15 are unavailable. Many children assist their parents in family-owned agricultural production. There have been no reports of trafficked, bonded, forced, or compulsory labor involving children in the Pacific island nation.³⁷⁹³

Access to school is limited,³⁷⁹⁴ and there is no constitutional guarantee mandating that education be either compulsory or free.³⁷⁹⁵ In 1998, the gross primary enrollment rate was 97.3 percent, and

³⁷⁸⁷ UNESCO, *Education for All 2000 Assessment: Country Report-Republic of Vanuatu*, prepared by Ministry of Education, Youth, and Sports, pursuant to UN General Assembly Resolution 52/84, [cited December 19, 2002]; available from <http://www2.unesco.org/wef/countryreports/vanuatu/contents.html>.

³⁷⁸⁸ Margaret Chung and Gerald Haberkorn, *Broadening Opportunities for Education: Pacific Human Development Report*, 1999, 44.

³⁷⁸⁹ UNICEF, *Assistance to Pacific Island Countries*, [online] [cited September 18, 2002]; available from http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm.

³⁷⁹⁰ Peace Corps, *Vanuatu Assignments*, [online] [cited December 19, 2002]; available from <http://www.peacecorps.gov/countries/vanuatu/assignments.cfm>.

³⁷⁹¹ *Ibid.*, 1c.

³⁷⁹² *Ibid.*

³⁷⁹³ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Vanuatu*, Washington, D.C., March 4, 2002, 1210-11, Sections 6d and 6f [cited December 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=814>.

³⁷⁹⁴ *Ibid.*, 1209-10, Section 5.

³⁷⁹⁵ Right to Education, *Constitutional Guarantees: Vanuatu*, Right to Education, [database online] [cited January 30, 2003]; 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 January 30, 2003]; available from http://www.right-to-education.org/content/index_4.html.

the net primary enrollment rate was 90.1 percent.³⁷⁹⁶ Primary school attendance rates are unavailable for Vanuatu. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁷⁹⁷ The educational system is complicated by the use of two official languages and over one hundred vernaculars spread out over many islands.³⁷⁹⁸ A 1999 report published by the UNDP stated that 24 percent of all primary school teachers in Vanuatu are untrained, and projections have been made that at the current high growth rate of school age children, primary school enrollment will double by the year 2010.³⁷⁹⁹

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. Children between the ages of 12 and 18 are restricted from working at night or in the shipping industry.³⁸⁰⁰ Forced labor is also prohibited by law.³⁸⁰¹

The Government of Vanuatu is not a member of the ILO, and as such has not ratified ILO Convention 138 or ILO Convention 182.³⁸⁰²

³⁷⁹⁶ UNESCO, *Education for All Assessments 2000* [CD-ROM], Paris, 2001.

³⁷⁹⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁷⁹⁸ Chung and Haberkorn, *Broadening Opportunities for Education*, 42.

³⁷⁹⁹ *Ibid.*, 40, 45.

³⁸⁰⁰ U.S. Department of State, *Country Reports- 2001: Vanuatu*, 1210-11, Section 6d.

³⁸⁰¹ *Ibid.*, 1210-11, Section 6c.

³⁸⁰² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 18, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Venezuela

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

The Government of Venezuela has been a member of ILO-IPEC since 1996.³⁸⁰³ In 1997, the government created the National Commission for the Eradication of Child Labor and Protection of Child Workers with responsibilities for collaborating with ILO-IPEC on child labor elimination projects and encouraging and strengthening coordination among national and international public and private institutions in an effort to combat child labor.³⁸⁰⁴ ILO-IPEC, with the support of the Spanish government, implemented a project from 1999-2000 to eliminate the commercial sexual exploitation of girls in Venezuela.³⁸⁰⁵ The Ministry of Labor and the Ministry of Social Development are currently working together on a government study of the child labor situation in the country.³⁸⁰⁶

The government has collaborated with UNESCO to develop an Education for All plan to increase primary school enrollment and completion rates, improve educational achievement, and expand basic education services and training in essential skills for youth.³⁸⁰⁷ The National Institute for Minors has made efforts to address the commercial sexual exploitation of children by establishing Local Social Protection networks for children and adolescents who are at high social risk.³⁸⁰⁸

³⁸⁰³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 21, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³⁸⁰⁴ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992: Supplementary Report, Addendum, Venezuela*, CRC/C/3/add.59, prepared by Government of Venezuela, pursuant to Article 44 of the Convention on the Rights of the Child, December 1999, para. 181.

³⁸⁰⁵ ILO-IPEC, *Programa Internacional para la Erradicación del Trabajo Infantil: Venezuela*, Regional Office for Latin America and the Caribbean, Caracas, August 15, 1999, [cited August 22, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficvensex.php>.

³⁸⁰⁶ U.S. Embassy- Caracas, *unclassified telegram no. 3537*, December 2001.

³⁸⁰⁷ UNESCO, *Education for All 2000 Assessment: Country Reports-Venezuela*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, Part 1 [December 19, 2002]; available from <http://www2.unesco.org/wef/countryreports/venezuela/contents.html>.

³⁸⁰⁸ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992*, para. 187.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 9.9 percent of children ages 5 to 14 years in Venezuela were working.³⁸⁰⁹ Children are engaged in selling goods on the streets, shining shoes, bagging groceries at supermarkets, guarding and washing cars, guiding the blind, and helping in family businesses (including family farms).³⁸¹⁰ Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.³⁸¹¹ Although child labor is not reported to be a significant problem in the manufacturing sector, some girls work in their homes helping their mothers sew garments on a piecework basis.³⁸¹²

There are reports that children from Venezuela have been abducted and used as child soldiers by the the Revolutionary Armed Forces in Colombia, the military wing of the Colombian Communist Party.³⁸¹³ In 2001, Venezuela was reported to be a source, destination and transit country for trafficking in persons.³⁸¹⁴ Children were reportedly trafficked from other South American countries, especially Ecuador, to work in Caracas as street vendors and housemaids.³⁸¹⁵

Education is compulsory for 10 years³⁸¹⁶ and free up to the university preparatory level (15 or 16 years of age).³⁸¹⁷ Under Article 53 of the Law for the Protection of Children and Adolescents, all children have the right to receive a free education at a school or institution near their home.³⁸¹⁸ In 1996, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 83.8 percent.³⁸¹⁹ Primary school attendance rates are unavailable for Venezuela. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation

³⁸⁰⁹ The *Multiple Indicator Cluster Survey* (MICS) study defines "currently working" to include children who were performing any paid or unpaid work for someone other than a member of the household, who performed more than 4 hours of housekeeping chores in the household, or who performed other family work. See Government of Venezuela, *Multiple Indicator Cluster Survey (MICS): Standard Tables for Venezuela*, UNICEF, [cited October 7, 2002]; available from <http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm>. See also Understanding Child Work, *Recently Completed and Upcoming Surveys*, ucw-project.org, [online] [cited August 22, 2002]; available from http://www.ucw-project.org/resources/future_survey_information.html.

³⁸¹⁰ U.S. Embassy- Caracas, *unclassified telegram no. 2626*, July 10, 1996.

³⁸¹¹ Ibid.

³⁸¹² Ibid.

³⁸¹³ Coalition to End the Use of Child Soldiers, "Venezuela," in *Global Report 2001*, [cited August 21, 2002]; available from <http://www.child-soldiers.org/report2001/countries/venezuela.html>.

³⁸¹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Venezuela*, Washington, D.C., March 4, 2002, 3085-89, Section 6f [cited August 20, 2002]; available from <http://www.state.gov/drl/hrrpt/2001/wha/8229.htm>.

³⁸¹⁵ Ibid.

³⁸¹⁶ UNESCO Institute for Statistics, *National Education Systems*, uis.unesco.org, [online] [cited April 5, 2002]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.htm.

³⁸¹⁷ U.S. Department of State, *Country Reports- 2001: Venezuela*, 3081-85, Section 5.

³⁸¹⁸ *Ley orgánica para la protección del niño y del adolescente*, 2000, [cited August 21, 2002]; available from <http://www.cajpe.org.pe/rij/bases/legisla/venezuel/ve42.htm>.

³⁸¹⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

in school.³⁸²⁰ Children in some regions of the country do not have access to schools and have limited access to materials and textbooks.³⁸²¹ There are an insufficient number of well-trained teachers in some areas and drop out rates and repetition rates at the primary and secondary school level are high.³⁸²² In 2000, an NGO study reported that 500,000 children were not eligible to receive government assistance, including public education, because their births were not documented properly.³⁸²³ Members of the country's indigenous population also lack access to basic educational facilities.³⁸²⁴

Child Labor Laws and Enforcement

The Labor Code of 1997³⁸²⁵ and the Law for the Protection of Children and Adolescents sets the minimum age for employment at 14 years.³⁸²⁶ Children under the age of 14 are prohibited from working in businesses, establishments, and industrial, mining, and commercial enterprises.³⁸²⁷ Children between the ages of 12 and 14 can work under certain circumstances with the permission of the National Children's Institute and the Ministry of Labor, provided that they are employed in work suited to their physical capacity and are guaranteed an education.³⁸²⁸ Children ages 14 to 16 can work only with the permission of their parent or legal guardian or another appropriate authority.³⁸²⁹ In most cases, children under the age of 16 are not permitted to work more than 6 hours a day (in two shifts of no more than four hours each) and 30 hours a week. Children under the age of 18 cannot work at night.³⁸³⁰ Article 28 of the Law for Protection of Children and Adolescents prohibits forced labor, slavery and servitude.³⁸³¹ Forced labor is also prohibited under

³⁸²⁰ For a more detailed description on the relationship between education statistics and work, see the preface to the report.

³⁸²¹ Ibid.

³⁸²² UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Right of the Child, Venezuela*, CRC/C/15/Add.109, Geneva, February 11, 1999, D.7.

³⁸²³ The study was conducted by the NGO Community Centers for Learning (CECODAP). U.S. Department of State, *Country Reports- 2001: Venezuela*, 3081-84, Section 5. Under Title II, Chapter II, Article 17 of the Law for the Protection of Children and Adolescents, all children have the right to be identified after birth. Article 22 further states that children have the right to obtain public identification documents that demonstrate their identify and that the State shall assure that there are program and measures to determine the identity of all children and adolescents. See *Ley niño y del adolescente*, 2000.

³⁸²⁴ U.S. Department of State, *Country Reports- 2001: Venezuela*, 3081-84, Section 5.

³⁸²⁵ *Ley de reforma parcial de la Ley Orgánica del trabajo*, No. 5152, (June 19, 1997), Title V, Chapter 2, Article 254 [cited November 21, 2001]; available from <http://natlex.ilo.org/txt/S97VEN01.htm>.

³⁸²⁶ *Ley niño y del adolescente*, 2000, Title II, Chapter 3, Article 96.

³⁸²⁷ *Ley orgánica del trabajo*, 1997, Title V, Chapter 1, Article 247.

³⁸²⁸ Ibid.

³⁸²⁹ Ibid., Title V, Chapter 1, Article 248.

³⁸³⁰ Ibid., Title V, Chapter 1, Articles 254 and 57.

³⁸³¹ *Ley niño y del adolescente*, 2000, Title II, Chapter II, Article 38.

Article 32 of the Labor Code³⁸³² and slavery and servitude are prohibited under Article 54 of the Constitution.³⁸³³ Article 33 of the Law for Protection of Children and Adolescents guarantees the right of all children to be protected against any form of abuse or sexual exploitation.³⁸³⁴

Articles 388 and 389 of the Criminal Code prohibit inducing the prostitution of minors and the corruption of minors.³⁸³⁵ Persons convicted of these crimes can be sentenced to imprisonment from 3 to 18 months.³⁸³⁶ Laws protecting minors from abuse may be used to prosecute cases of child pornography.³⁸³⁷ The Constitution prohibits trafficking in persons.³⁸³⁸ The Law for the Protection of Children and Adolescents provides a penalty of 1 to 10 months in jail for trafficking in children.³⁸³⁹ The Ministry of Labor, the National Institute for Minors, and the Prosecutor General's office enforce child labor laws. These laws are enforced effectively in the formal sector but are not well enforced in the informal sector.³⁸⁴⁰ The government did not prosecute any cases of trafficking in 2001 and government efforts to prevent and prosecute trafficking are rare.³⁸⁴¹

The Government of Venezuela ratified ILO Convention 138 on July 15, 1987, but has not ratified ILO Convention 182.³⁸⁴²

³⁸³² *Ley orgánica del trabajo, 1997*, Title V, Chapter 3, Article 32.

³⁸³³ *Constitución de la República Bolivariana de Venezuela, 1999*, [cited August 21, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Venezuela/ven1999.html>.

³⁸³⁴ *Ley niño y del adolescente, 2000*, Title II, Chapter I, Article 33.

³⁸³⁵ Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children- Venezuela*, [online] December 5, 2002 [cited August 21, 2002]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaVenezuela.asp>.

³⁸³⁶ *Ibid.*

³⁸³⁷ *Ibid.*

³⁸³⁸ U.S. Department of State, *Country Reports- 2001: Venezuela*, 3085-89, Section 6f.

³⁸³⁹ *Ibid.*

³⁸⁴⁰ *Ibid.*, 3085-89, Section 6d.

³⁸⁴¹ *Ibid.*, 3085-89, Section 6f.

³⁸⁴² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Yemen

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

The Government of Yemen has been a member of ILO-IPEC since 2000.³⁸⁴³ The Ministry of Labor has played a role in the development of strategies to recognize and combat child labor. Reports from the Ministry of Labor on the state of child labor in Yemen contributed to the formation of an ILO mission to investigate child labor in 1999.³⁸⁴⁴

On October 2000, USDOL funded an ILO-IPEC national program in Yemen that aims to withdraw approximately 3,000 child workers from the worst forms of child labor, mainstream them into non-formal and formal education programs, provide them pre-vocational and vocational training, and support them with counseling, health care and recreational activities.³⁸⁴⁵ The program targets children working in extremely hazardous or abusive conditions, children below the age of 12, and girls.³⁸⁴⁶ A program to develop a National Policy and Program Framework for the elimination of child labor in Yemen was initiated in November 2001.³⁸⁴⁷

The Ministry of Education is making efforts to eliminate child labor by developing educational support programs, lowering school drop out rates of working children, and raising public awareness of the relationship between education and work.³⁸⁴⁸ In 2000, the Government of Yemen and the World Bank developed a Basic Education Expansion Project to give the highest priority to primary education, particularly focusing on increased access to education for girls in underserved rural areas. One of the stated objectives of the six-year project is to bridge gender gaps in basic education.³⁸⁴⁹

³⁸⁴³ *Memorandum of Understanding between The Government of Yemen and the International Labour Organization*, ILO, Geneva, June 12, 2000.

³⁸⁴⁴ *National Program on the Elimination of Child Labor in Yemen*, project document, ILO-IPEC, October 2000, 7-8.

³⁸⁴⁵ *Ibid.*, 13.

³⁸⁴⁶ *Ibid.*, 14.

³⁸⁴⁷ *National Program on the Elimination of Child Labor in Yemen: Technical Progress Report*, technical progress report, ILO-IPEC, March 15, 2001, 4.

³⁸⁴⁸ *Ibid.*, 10.

³⁸⁴⁹ *Basic Education Expansion Project* World Bank, 2002 [cited August 2, 2002]; available from <http://4.worldbank.org/sprojects/Project.asp?pid=P043255>. and *Project Information Document* World Bank, 2002 [cited August 2, 2002]; available from wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2000/07/27//000009265_3980929100228/Rendered/PDF/multi0page.pdf.

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 18.7 percent of children between ages 10 to 14 years were working in Yemen.³⁸⁵⁰ The majority of children work in agriculture without wages.³⁸⁵¹ Other children work street vendors, beggars, and domestics and in the fishing, leather, and automobile repair sectors.³⁸⁵²

The Constitution guarantees free and compulsory education to all Yemeni citizens.³⁸⁵³ Nine years of education is compulsory for children.³⁸⁵⁴ In 1998, the gross primary enrollment rate was 77.9 percent (100.2 percent for boys and 55.1 percent for girls), and the net primary enrollment rate was 61 percent.³⁸⁵⁵ Primary school attendance rates are unavailable for Yemen. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁸⁵⁶ The Ministry of Education reported that nearly 200,000 boys dropped out of school in 1999. Child labor is reported to interfere with school attendance, particularly in the agriculture and domestic service sectors.³⁸⁵⁷

Child Labor Laws and Enforcement

There is no clearly established minimum age for employment in Yemen.³⁸⁵⁸ Yemeni law defines a child as someone below the age of 15.³⁸⁵⁹ Under the Labor Law of 1995, a child may work up to seven hours per day and must be allowed a 60-minute break after four hours of labor. The

³⁸⁵⁰ World Bank, *World Development Indicators 2002* [CD ROM], Washington, DC, 2002.

³⁸⁵¹ Government of Yemen et al., *Children and Women in Yemen: A Situation Analysis- Summary 1998* (Government of Yemen et al., 1998), 1: 103-06. Please note that there is a paucity of current data on child labor in Yemen. The figures cited in the study are based on a 1994 population census.

³⁸⁵² *National Program on the Elimination of Child Labor*, 14.

³⁸⁵³ *Yemen (Constitutional Guarantees)* The Right to Education Project, Articles 32 and 53; available from right-to-education.org/search/index.html.

³⁸⁵⁴ UNESCO, "World Education Report 1998," in *Preliminary Report of the Special Rapporteur on the Right to Education*, ed. Katarina Tomasevski 1999, 144-47 [cited 2 August 2002]; available from right-to-education.org/search/index.html. These figures refer to 1995.

³⁸⁵⁵ World Bank, *World Development Indicators 2002*.

³⁸⁵⁶ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

³⁸⁵⁷ *National Program on the Elimination of Child Labor*, 7-8.

³⁸⁵⁸ Article 19 of the Basic Labor Code (Act No. 141 of 1978) prohibits the employment of children under 16 years of age unless they have completed their basic education or are granted special permission from the ministry. The Labor Law 5 of 1995 does not specify a minimum age for employment. See Government of Yemen et al., *Children and Women in Yemen*, 1:100-01. The U.S. Department of State's 2001 Human Rights Report states that the minimum age of a working child is 15 in the private sector and 18 in the public sector. U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Yemen*, Washington, DC, 2002, 2341-43, Section 6d.

³⁸⁵⁹ See the unofficial English translation of the *1995 Labor Law* conducted by ILO. Government of Yemen, *1995 Labor Law*, translated by ILO, Article 2 [cited 2 August 2002]; available from www.natlex.ilo.org/txt/E95YEM01.htm#a42.

maximum workweek for a child is 42 hours per week.³⁸⁶⁰ An employer must secure the approval of a child's guardian and notify the Ministry of Labor before employing a child. The Labor Law prohibits hazardous working conditions for children.³⁸⁶¹ Overtime for children and work on official holidays is also prohibited.³⁸⁶² Moreover, employers must grant every child a 30-day annual leave for every 12-month period of labor completed. Neither the child nor the parent may waive this annual leave.³⁸⁶³ The Labor Law further establishes the minimum wage for children to be not less than two-thirds that of an adult.³⁸⁶⁴

A severe lack of resources and capacity prevents the government from enforcing laws regarding child labor and education, a problem that is compounded in rural areas.³⁸⁶⁵

The Government of Yemen ratified ILO Conventions 138 and 182 on June 15, 2000.³⁸⁶⁶

³⁸⁶⁰ Article 45 of the 1995 *Labor Law*, as quoted in Government of Yemen et al., *Children and Women in Yemen*, 1: 101. The English translation locates this stipulation elsewhere. See 1995 *Labor Law*, Article 48; available from natlex.ilo.org/txt/E95YEM01.htm#a42.

³⁸⁶¹ 1995 *Labor Law*, Article 49.

³⁸⁶² Article 48 of the 1995 *Labor Law* quoted in Government of Yemen et al., *Children and Women in Yemen*, 1: 101. See also 1995 *Labor Law*, Article 49.

³⁸⁶³ 1995 *Labor Law*, Article 50.

³⁸⁶⁴ *Ibid.*, Article 52.

³⁸⁶⁵ U.S. Department of State, *Country Reports- 2001: Yemen*, 2341-43, Section 6d. *National Program on the Elimination of Child Labor*, 8, *National Program on the Elimination of Child Labor in Yemen: Technical Progress Report*, 23.

³⁸⁶⁶ ILO, *Ratifications by Country* in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

Zambia

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

The Government of Zambia has been a member of ILO-IPEC since 2000.³⁸⁶⁷ With funding from USDOL, a number of ILO-IPEC activities have been launched in Zambia, including a country program aimed at building national capacity to address child labor and targeting an initial group of children for removal and prevention from exploitative child labor.³⁸⁶⁸ As part of this program, a National Plan of Action on the Elimination of Child Labor was adopted in March 2001 by the National Steering Committee (NSC).³⁸⁶⁹ With technical assistance from ILO-IPEC's SIMPOC, Zambia's Central Statistical Office (CSO) conducted a national child labor survey in 1999.³⁸⁷⁰ Zambia is one of five countries participating in a USDOL-funded ILO-IPEC regional program to combat child labor in the commercial agricultural sector.³⁸⁷¹ In 2002, USDOL funded an education project targeting child laborers and children at risk of entering work.³⁸⁷² The Government of Zambia receives policy and program guidance on child labor issues through an Inter-Ministerial Committee, established in May 2000 and comprised of key ministries.³⁸⁷³

Zambia's national policy on education, "Educating Our Future," was published in 1996 and focuses primarily on making curricula for basic education more relevant, promoting partnerships and cost sharing, and improving school management.³⁸⁷⁴ With support from various donor groups, the government began implementing a national plan of reform through the Basic Education Sub-Sector Investment Program (BESSIP). Through BESSIP, the government aims to achieve universal

³⁸⁶⁷ ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia: Progress Report*, June 2000.

³⁸⁶⁸ ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia: project document*, ZAM/99/05/060, Geneva, 1999.

³⁸⁶⁹ ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia: Progress Report*, 2001.

³⁸⁷⁰ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC) in Zambia: project document*, ZAM/99/05/050, Geneva, 1999.

³⁸⁷¹ ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agricultural Sector in Africa: project document - Country Annex for Zambia*, RAF/00/P51/USA, Geneva, 2000, 64.

³⁸⁷² USDOL, *Child Labor Education Initiative Cooperative Agreement for Zambia project*, 2002.

³⁸⁷³ The ministries on the committee include: Labor; Sport, Youth and Child Development; Information and Broadcasting; and Legal Affairs. See U.S. Embassy- Lusaka, *unclassified telegram no. 1761*, October 2002. See also U.S. Embassy- Lusaka, *unclassified telegram no. 3288*, September 2001.

³⁸⁷⁴ The 1996 "Educating Our Future" policy calls for, among other educational system improvements, increasing the provision of basic schooling from 7 to 9 years for all children. See Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey: Country Report*, ILO-IPEC, Lusaka, 2001, 3. See also United Nations, *Common Country Assessment - Zambia 2000*, 49.

primary education enrollment by the year 2005.³⁸⁷⁵ To increase school access, the government waived compulsory uniforms in rural areas and in 2002 issued a proclamation abolishing school fees for grades 1 to 7.³⁸⁷⁶

Incidence and Nature of Child Labor

In 1999, the Zambian CSO estimated that 11.5 percent (347,357) of children ages 5 to 14 years in Zambia were working.³⁸⁷⁷ Over 90 percent of these children in the same age group were engaged in agricultural activities.³⁸⁷⁸ Approximately 24 percent of working children combined work with school.³⁸⁷⁹ Children are found working in a variety of industries and occupations, including fisheries, manufacturing, construction, trading, business services and personal services, domestic service, carpentry, food production and vending.³⁸⁸⁰ An increasing number of younger children are forced into prostitution.³⁸⁸¹ In addition, the spread of HIV/AIDS and the growing number of orphans has contributed to an increase in the number of street children, many of who engage in various forms of work, such as carrying parcels or guarding cars.³⁸⁸²

Education is neither free nor compulsory in Zambia.³⁸⁸³ In 1998, the gross primary enrollment rate was 86.4 percent, and the net primary enrollment rate was 72.9 percent.³⁸⁸⁴ In 1996, the gross primary school attendance was 91.7 percent, and the net attendance was 67.4 percent.³⁸⁸⁵

³⁸⁷⁵ BESSIP began in 1999 and will continue through 2005 with a total of USD 340 million in funding (USD 167 million coming from the government of Zambia). Government of the Republic of Zambia Ministry of Finance and Economic Development, *Interim Poverty Reduction Strategy Paper*, Lusaka, July 7, 2000, Section 24. See also World Bank, *Zambia Improves Basic Education: World Bank supports efforts with US\$40 million credit*, press release, News Release No. 99/2140/AFR, Washington, DC, April 8, 1999; available from <http://www.worldbank.org/html/extdr/extme/2140.htm>. See also United Nations, *Common Country Assessment - Zambia 2000*, 24.

³⁸⁷⁶ U.S. Embassy- Lusaka, *unclassified telegram no. 1761*.

³⁸⁷⁷ This survey was carried out with technical support from the ILO/IPEC's SIMPOC. See Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, xvi.

³⁸⁷⁸ *Ibid.*, Table 4.7, 27. The survey also found that 1.7 million children were involved in housekeeping activities, such as cooking, preparing food, washing dishes, house cleaning, washing and ironing clothes and taking care of younger siblings. See Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.26, 39.

³⁸⁷⁹ Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.30, 41.

³⁸⁸⁰ *Ibid.*, Tables 4.7 and 4.15. See also A.J. Cheraw, Permanent Secretary, Ministry of Labour and Social Security, letter to USDOL official, June 6, 2001.

³⁸⁸¹ ILO-IPEC, *National Program on the Elimination of Child Labour: project document*, 2. See also USAID, UNICEF, and Swedish International Development Agency (SIDA), *Orphans and Vulnerable Children: A Situation Analysis*, Study Fund Project, Lusaka, Section 2.

³⁸⁸² USAID, UNICEF, and (SIDA), *Orphans and Vulnerable Children: A Situation Analysis*, 8. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Zambia*, Washington, DC, March 4, 2002, 745-46, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/>.

³⁸⁸³ United Nations, *Common Country Assessment - Zambia 2000*, 49.

³⁸⁸⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, DC, 2002.

³⁸⁸⁵ USAID, *Global Education Database* [CD-ROM], Washington, DC, 2002.

According to USAID, there are 560,000 children not attending school in Zambia, and of those children who enter grade one, one-third fail to complete their education through grade seven.³⁸⁸⁶ Girls' attendance tends to be lower than that of boys, especially in rural areas.³⁸⁸⁷

Child Labor Laws and Enforcement

The Constitution of 1991 prohibits forced labor and establishes legal protection from exploitative work for young persons, defined as under the age of 15.³⁸⁸⁸ The Employment of Young Persons and Children Act of 1933, establishes 15 as the minimum age for employment, and prohibits children up to the age of 18 from engaging in work that is hazardous; however the law does not apply to commercial farms.³⁸⁸⁹ The Constitution prohibits trafficking of children under 15 years old.³⁸⁹⁰ The Ministry of Labor and Social Security (MLSS), which is responsible for enforcing labor laws, established a Child Labor Unit to specifically address issues relating to child labor.³⁸⁹¹ MLSS conducts monthly inspections to workplaces, however the Ministry has noted that its staff is not properly trained to effectively address child labor issues. No fines or penalties have been issued for child labor violations, but MLSS has placed an emphasis on sensitizing and educating the public on the worst forms of child labor.³⁸⁹²

The Government of Zambia ratified ILO Convention 138 on February 9, 1976, and ratified ILO Convention 182 on December 10, 2001.³⁸⁹³

³⁸⁸⁶ Enrollment rates have only marginally increased since 1990. There are a number of causes for this, including inadequate number of schools, distance between homes and schools, poor infrastructure and poor or no learning materials. 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, DC, February 2001, 95.

³⁸⁸⁷ Ibid. Enrollment of girls is also lower than that of boys (approximately 10 percent lower in 1999), and this gender disparity appears to be growing. See also UNICEF, *Children in Jeopardy: The Challenge of Freeing Poor Nations from the Shackles of Debt*, New York, 1999, 5.

³⁸⁸⁸ *Constitution of the Republic of Zambia, 1991*, (August 1991), Article 14 [cited November 6, 2001]; available from http://www.uni-wuerzburg.de/law/za00000_.html. The Constitution, Article 24 states that "no young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development." A young person is identified as anyone below the age of 15 years.

³⁸⁸⁹ The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children: project document - Country Annex*, 65. The Employment of Young Persons and Children Act states that "a young person shall not be employed on any type of employment or work, which by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of that young person."

³⁸⁹⁰ *Constitution of the Republic of Zambia, 1991*, Article 24.

³⁸⁹¹ U.S. Embassy- Lusaka, *unclassified telegram no. 3288*. See also Cheraw, letter, June 6, 2001.

³⁸⁹² The government has initiated a capacity building program to provide MLSS with more human and material resources, so as to be able to conduct inspections more effectively and cover larger areas, including the informal sector. See U.S. Embassy- Lusaka, *unclassified telegram no. 1761*.

³⁸⁹³ ILO, *Ratifications by Country* in ILOLEX, [database online] [cited September 10, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Zimbabwe

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

The Government of Zimbabwe is an associated country of ILO-IPEC.³⁸⁹⁴ The Government of Zimbabwe has created a Child Labor Task Force Committee to define child labor, identify problem areas and propose legislation to resolve these problems.³⁸⁹⁵ The government is also making efforts to incorporate child labor issues into the plans and policies of several government ministries, such as the Ministry of Health,³⁸⁹⁶ the Ministry of Education, Sport, and Culture, the Ministry of Labor,³⁸⁹⁷ and the Department of Social Welfare.³⁸⁹⁸

In 1999, the Central Statistical Office of the Ministry of Public Service, Labor and Social Welfare, in cooperation with ILO-IPEC, published the results of a national child labor survey.³⁸⁹⁹ Recent ILO technical assistance to Zimbabwe has supported a children's play intended to raise awareness

³⁸⁹⁴ 1 ILO-IPEC, *All About IPEC Programme Countries*, [online] August 13, 2001 [cited August 26, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³⁸⁹⁵ The Committee is composed of the Ministries of Education and Culture, National Affairs, Employment Creation and Cooperatives, Public Service, Labor and Social Welfare, Health and Child Welfare, Lands, Agriculture, and Water Development, and Local Government and Rural and Urban Development. 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>. The government has solicited assistance from workers, employers and NGOs to formulate country-specific approaches and strategies to eliminate child labor. See ILO, "Child Labour in Africa: Targeting the Intolerable" (paper presented at the African Regional Tripartite Meeting on Child Labour, Kampala, Uganda, February 5-7 1998).

³⁸⁹⁶ The Ministry of Health included child labor in its 1992 portfolio *Child Welfare*, and it chaired the meeting to develop the National Action Plan for Children, which identified child labor as a problem area and called for improved legal protection of working children. The Ministry of Education policy position warns that child labor should not undermine schooling. See ILO-IPEC, *Child Labour in Commercial Agriculture in Africa*, technical workshop; Dar es Salaam, United Republic of Tanzania, August 27-30, 1996, RA/95/05/050, Geneva, 1997, [cited December 19, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/publ/policy/papers/africa/index.htm>.

³⁸⁹⁷ The Ministry of Labor established a Child Welfare Forum that meets four times annually with other government agencies to discuss child welfare issues. See *Ibid*.

³⁸⁹⁸ In response to the growing number of children living and working in the streets of large cities like the capital, Harare, the Department of Social Welfare has initiated a "Children in Difficult Circumstances" program. The Department of Social Welfare is in the process of decentralizing childcare services to local authorities. According to officials at Social Welfare, the Ministry of Local Government, Public Works and National Housing has responsibility for many of these services and is best suited for working with this population. *Ibid*. See also Tendai Mangoma, "More Children Forced to Beg," *allAfrica.com, The Herald* (Harare), May 29, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200205290632.html>.

³⁸⁹⁹ Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey: Country Report- Zimbabwe*, Government of Zimbabwe, Central Statistical Office, Harare, 1999, viii [cited December 19, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/zimbabwe/report/index.htm>.

of the dangers of child labor among parents and the community.³⁹⁰⁰ The government has also been engaged in anti-trafficking efforts and programs to combat sexual exploitation.³⁹⁰¹

Following independence in 1980, school fees were abolished, leading to a sharp rise in enrollment.³⁹⁰² However, since primary and secondary school fees were reintroduced (under the country's Economic Structural Adjustment Program of 1991), increases in student enrollment have declined.³⁹⁰³ As of 2000, the government planned to build more schools and expand existing schools to take on more students, provide scholarships and cover education costs for poor children through the Social Development Fund, the Basic Education Assistance Module (BEAM) and other social safety nets, as well as continue training staff and improving school facilities.³⁹⁰⁴ From 1990 to 1999, the number of training centers for out-of-school youth increased from 3 to 15 nationwide.³⁹⁰⁵

³⁹⁰⁰ ILO, *Zimbabwe: Multidisciplinary Advisory Team for Southern Africa in Harare*, [online] August 20, 2002 [cited September 27, 2002]; available from <http://www.ilo.org/public/english/region/afpro/mdtharare/country/zimbabwe.htm>.

³⁹⁰¹ In a meeting in October 2001, Interpol and the Southern African Development Community immigration authorities developed strategies to prevent the trafficking of children for prostitution. Protection Project, "Zimbabwe," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 29, 2002]; available from <http://209.190.246.239/ver2/cr/Zimbabwe.pdf>. The Department of Social Welfare has worked with UNICEF to raise awareness and conduct research around the problem of sexual exploitation. See also "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), [cited December 19, 2002]; available from http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979975.

³⁹⁰² Primary level enrollment increased from 1.2 million in 1980 to 2.2 million in 1990. Consequently, the education budget (as a proportion of recurrent expenditure) rose from 14.8 percent in 1980/81 to 23.1 percent in 1990/91. See UN Committee on the Rights of the Child, *Consideration of Initial reports of States parties due in 1992*, CRC/C/3/Add.35, prepared by Government of Zimbabwe, pursuant to Article 44 of the Convention on the Rights of the Child, December 10, 1995, para.3 [cited December 19, 2002]; available from <http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/b82db9a977eea080412562e600392abc?OpenDocument&Highlight=0,Zimbabwe>. See also Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, 3-4.

³⁹⁰³ Line Eldring, Sabata Nakanyane, and Malehoko Tshoaei, "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), 84. See also World Bank, *Structural Adjustment and Zimbabwe's Poor*, Operations Evaluation Department, [online] 2001 [cited August 26, 2002]; available from <http://wbln0018.worldbank.org/oed/oeddoclib.nsf/e90210f184a4481b85256885007b1724/15a937f6b215a053852567f5005d8b06?OpenDocument>. See also Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, 4.

³⁹⁰⁴ UNESCO, *The Education for All 2000 Assessment: Country Reports - Zimbabwe*, prepared by Ministry of Education, Sport, and Culture, pursuant to UN General Assembly Resolution 52/84, [cited December 19, 2002]; available from <http://www2.unesco.org/wef/countryreports/zimbabwe/contents.html>. The new budget allocates ZWD \$380 million (USD \$7.08 million) to BEAM, a program which provides waivers for both school fees and levies to children identified by community members as vulnerable and at risk of dropping out. See World Bank, *A directory of early child development projects in Africa*, working paper, August 31, 2001. See also Simba Makoni, *2002 National Budget unveiled*, presentation by Finance and Economic Development Minister, Harare, November 1, 2002. For currency conversion see FX Converter, [online] [cited November 14, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

³⁹⁰⁵ UNESCO, *EFA 2000 Report: Zimbabwe*.

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Zimbabwe Central Statistics Office, in cooperation with ILO-IPEC, estimated that 33.2 percent of children ages 5 to 14 years in Zimbabwe were working.³⁹⁰⁶ Children work in a variety of sectors including traditional and commercial farming, forestry and fishing, domestic service, small-scale mining, gold panning, quarrying, construction, micro industries, manufacturing, trade, restaurants, and begging.³⁹⁰⁷ Over 90 percent of working children aged 5 to 17 reside in rural areas.³⁹⁰⁸ Many of these children work for long hours in the fields, often in exchange for education at farm boarding schools.³⁹⁰⁹ There are indications that children from Zimbabwe have been recruited to work on farms in the Northern Province of South Africa.³⁹¹⁰

In 1999, there were reportedly 12,000 street children in Zimbabwe.³⁹¹¹ Some now estimate the national total to be more than 30,000 children.³⁹¹² Street children are found begging, watching parked cars, and doing other odd jobs.³⁹¹³ In 2001, a growing number of children under 17 years

³⁹⁰⁶ Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, 53.

³⁹⁰⁷ Ibid., 45, 60. See also Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 87.

³⁹⁰⁸ In both rural and urban areas the percentages of working boys and working girls are relatively the same. Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, xii-xvi. A survey conducted by the Employer's Confederation of Zimbabwe revealed that over than 84% of underage workers are employed in commercial agriculture. See Financial Gazette, "Tea, tobacco, cotton growers main culprits on child labour," *Panafrica News Agency, Africa News Online*, November 11, 1999, [cited December 19, 2002]; available from <http://lists.essential.org/intl-tobacco/msg00298.html>.

³⁹⁰⁹ Children work after school during the planting and harvesting seasons and full time during holidays. Special boarding schools on the farms allow children to work during busy seasons. See Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 87. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Zimbabwe*, Washington, D.C., March 4, 2002, 776-82, Section 6d [cited December 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8411.htm>. Fifty-two percent of work related injuries among child laborers occurred in the agricultural sector. See also Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, xiv.

³⁹¹⁰ The Institute for Applied Labour Law and Farm Workers Research reports the practice of hiring children who have illegally crossed into South Africa is common among farmers along borders with Mozambique and Zimbabwe. See African Eye News Service, "Over 200,000 children used as child labour on farms," *allAfrica.com*, (Pietersburg), June 2, 1998, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/199806020159.html>. See also Congress of South Africa Trade Unions, *COSATU/SAAPAWU Media Statement on the SAHRC Investigation Into Human Rights Violations in Farming Communities*, press release, *allAfrica.com*, Johannesburg, July 16, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200207160635.html>.

³⁹¹¹ U.S. Department of State, *Country Reports- 2001: Zimbabwe*, 772-76, Section 5.

³⁹¹² "Churches Assist Streetkids," *allAfrica.com, The Herald* (Harare), June 19, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200206190515.html>. See also U.S. Department of State, *Country Reports- 2001: Zimbabwe*, 772-76, Section 5.

³⁹¹³ U.S. Embassy- Harare, *unclassified telegram no. 2971*, October 2001. See also "Churches Assist Streetkids." See also Mangoma, "More Children Forced to Beg."

were reportedly engaged in prostitution.³⁹¹⁴ The traditional practice of offering a young girl as payment in an inter-family feud continues to occur in Zimbabwe.³⁹¹⁵

The child labor situation is compounded by the HIV/AIDs pandemic, which has left over one million children orphaned and reliant on informal work to supplement lost family income.³⁹¹⁶ Zimbabwe has recently witnessed an increase in child headed households. Often children as young as 12 years old must drop out of school and/or travel to urban areas to earn money to provide for younger siblings.³⁹¹⁷

Despite the fact that education is neither free nor compulsory, the gross primary school enrollment has remained relatively high. In 1997, it was 112.5 percent.³⁹¹⁸ In 1994, the gross and net primary attendance rates were 108.9 and 84.6 percent respectively.³⁹¹⁹ However, certain segments of the educational system are particularly weak. Few commercial farms have schools.³⁹²⁰ As a result, students must often travel long distances to attend classes. Landowners who do provide schools have allegedly suspended children from attending classes if they refuse to work in the fields.³⁹²¹ Furthermore, the impact of the recent political turmoil, drought and impending famine in Zimbabwe has yet to be determined and will most likely have a negative effect on school

³⁹¹⁴ U.S. Embassy- Harare, *unclassified telegram no. 2971*.

³⁹¹⁵ U.S. Department of State, *Country Reports- 2001: Zimbabwe*, 772-76, Section 5.

³⁹¹⁶ Ibid., 776-82, Section 6d. One source estimates between 900,000 to 1.2 million children have been orphaned as a result of HIV/AIDS. See "Citizens Watch As Poverty Creates Internal Refugees," allAfrica.com, *The Daily News* (Harare), July 23, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200207230236.html>. Another source estimates 780,000 orphans under age 14 have lost parents to HIV/AIDS. See UNWire, *HIV/AIDS: Thousands Of Orphaned Children Run Households in Zimbabwe*, United Nations Foundation, [online] August 5, 2002 [cited December 19, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=28113.

³⁹¹⁷ Child headed households appear to be the hardest hit by the recent drought. See Ruth Butaunoch, "Child-Headed Families Face Food Shortages," allAfrica.com, *The Herald* (Harare), August 6, 2002; available from <http://allafrica.com/stories/printable/200208070214.html>. See also UNWire, *HIV/AIDS: Thousands Of Orphaned Children Run Households*.

³⁹¹⁸ U.S. Department of State, *Country Reports- 2001: Zimbabwe*, 772-76, Section 5. See also World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Net enrollment rates are not available.

³⁹¹⁹ USAID, *Demographic Health Survey* [CD-ROM], 2002.

³⁹²⁰ Integrated Regional Information Networks, "Zimbabwe: 125,000 Children on Farms Not Attending School", IRINnews.org, [online], April 18, 2001 [cited December 19, 2002]; available from http://www.irinnews.org/report.asp?ReportID=5390&SelectRegion=Southern_Africa&SelectCountry=ZIMBABWE

³⁹²¹ According to an April 2001 report in the Daily News, 125,000 children living on farms in Zimbabwe do not attend classes because there are no schools. See Ibid.

enrollment and attendance.³⁹²² In addition, the closing of more than 500 schools on formerly white-owned farms, has left over 250,000 children unable to attend classes.³⁹²³ Due to HIV/AIDS and low teacher salaries, schools are faced with a shortage of teachers.³⁹²⁴

Child Labor Laws and Enforcement

The Labor Relations Regulation of 1997 sets 12 years as the minimum age for general employment but prohibits children under 16 years of age from engaging in activities other than light work, apprenticeships, or vocational training.³⁹²⁵ Children under 18 years may not be employed during school terms without the approval of the Ministry of Labor. In addition, children may not be employed in night work or in work which interferes with their education, or work with hazardous substances or special machinery.³⁹²⁶ Additional protection is provided by the Labor Relations Act, which stipulates that any employment contract for a child under 16 years cannot be considered legally valid.³⁹²⁷ The Children's Protection and Adoption Act of 1972 protects children's right to education and prohibits certain types of street vending and trading by children under 16 years.³⁹²⁸ Forced child labor is also prohibited.³⁹²⁹

³⁹²² Several officials have noted a surge in illegal gold panning among children as young as 10 years old. See Tsitsi Matope, "Rushing Faces Food Shortage," allAfrica.com, *The Herald* (Harare), August 16, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200208160250.html>. A Southern Africa Development Community report states that 18 percent of Zimbabwe's families have removed children from school in the past two months due to an inability to pay school fees. See "Eighteen Percent of Cash-Strapped Parents Withdraw Children From Schools," allAfrica.com, *Financial Gazette* (Harare), September 26, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200209260335.html>. According to human rights groups, political violence may have displaced as many as 30,000 people. Many have joined squatter communities surrounding Zimbabwe's major cities. Services in these communities, including education, range from poor to non-existent. See "Citizens Watch."

³⁹²³ Two hundred thousand of the children who attended the closed schools were primary school students. See Itai Dzamara, "Land-Grab Deprives 250,000 Pupils of Education," allAfrica.com, *Zimbabwe Standard* (Harare), July 22, 2002, [cited January 2, 2002]; available from <http://allafrica.com/stories/printable/200207220629.html>.

³⁹²⁴ The ILO estimates that Zimbabwe may lose a further 16,200 teachers to HIV/AIDS over the next decade. See "More Teachers to Die of AIDS, Says International Labor Organisation," allAfrica.com, *The East African Standard* (Nairobi), August 10, 2002, [cited December 19, 2002]; available from <http://allafrica.com/stories/printable/200208120575.html>. See also Itai Dzamara, "Schools to Challenge Fees Decree," allAfrica.com, *Zimbabwe Standard* (Harare), July 2, 2002.

³⁹²⁵ Government of Zimbabwe, *Labour Relations Regulations: Employment of Children and Young Persons*, (1997), [cited October 4, 2002]; available from <http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe/46825>. Light work is defined as anything that will not threaten a child's education, health, safety, rest, or social, physical, or mental development. See U.S. Embassy- Harare, *unclassified telegram no. 2971*.

³⁹²⁶ Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 86. See also *Labour Relations Regulations*, 1997.

³⁹²⁷ Government of Zimbabwe, *Labour Relations Act*, (1984), [cited October 4, 2002]; available from <http://natlex.ilo.org/txt/E96ZWE01.htm>.

³⁹²⁸ Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 85.

³⁹²⁹ Government of Zimbabwe, *Labour Relations Amendment Act*, (2000), [cited October 4, 2002]; available from http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe?wq_fld=B380&wq_val=Zimbabwe&wq_rel=AND&wq_fld=B250&wq_val=Labour+Relations+Act&wq_rel=AND&wq_fld=B520&wq_val=&wq_rel=AND&wq_fld=B500&wq_val=&wq_rel=AND&wq_fld=B380&wq_val=. See also U.S. Department of State, *Country Reports- 2001: Zimbabwe*, 776-82, Section 6c.

Pursuant to the Sexual Offenses Act of 2001, a person convicted of prostituting a child under the age of 12 is subject to a fine of up to ZWD³⁹³⁰ 35,000 (USD 653) or imprisonment of up to seven years.³⁹³¹ No laws specifically address trafficking in persons.³⁹³² However, the Immigration Act considers anyone who is a prostitute to be a “prohibited person” and penalizes anyone who through bribery or misrepresentation attempts to transport prohibited persons.³⁹³³ Furthermore, common law criminalizes the removal of a child without the consent of the child’s parent or guardian.³⁹³⁴

Labor regulations, and specifically child labor laws, are poorly enforced because of weak interpretations of the laws themselves, a lack of labor inspectors, and a poor understanding among affected workers of basic legal rights.³⁹³⁵

The Government of Zimbabwe ratified ILO Convention No. 138 on June 6, 2000, and ILO Convention No. 182 on December 11, 2000.³⁹³⁶

³⁹³⁰ Zimbabwe dollars.

³⁹³¹ U.S. Embassy- Harare, *unclassified telegram no. 2971*. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>. The Child Protection and Adoption Act also prohibits children from living in or frequenting a brothel or engaging children in prostitution or immoral acts. See ILO, “Child Labour in Africa”. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Zimbabwe*, para. 260.

³⁹³² U.S. Department of State, *Country Reports- 2001: Zimbabwe*, 776-82, Section 6f.

³⁹³³ Protection Project, “Zimbabwe.”

³⁹³⁴ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Zimbabwe*, para. 265.

³⁹³⁵ Eldring, Nakanyane, and Tshoaedi, “Child Labor in the Tobacco Growing Sector”, 85-86.

³⁹³⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

Territories and Non-Independent Countries

There is limited information regarding the extent and nature of child labor and the quality and provision of education in non-independent countries and territories eligible for GSP, AGOA and CBTPA benefits. These areas generally are not eligible to become members of the ILO, and ILO Convention 138 and ILO Convention 182 do not apply to any of them.³⁹³⁷

Anguilla (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Anguilla are unavailable. Information is unavailable on the incidence and nature of child labor. Education is compulsory between the ages of 5 and 17.³⁹³⁸ In 1998, the gross primary enrollment rate was 100.7 percent, and the net primary enrollment rate was 98.9 percent.³⁹³⁹ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁴⁰ The Government of Anguilla has collaborated with UNESCO to develop an Education for All plan that aims to raise educational achievement levels, improve access to quality special education services, provide human resource training for teachers and education managers, promote curriculum standardization, and increase the emphasis on social education and the involvement of teachers in educational planning.³⁹⁴¹

Aruba (territory of the Netherlands)

Statistics on the number of working children under the age of 15 years in Aruba are unavailable, and there is limited information on the incidence of child labor in the country.³⁹⁴² Article 260 of Aruba's Criminal Code cites as a criminal offense the trafficking of girls, boys and women, with a maximum sentence of five years imprisonment.³⁹⁴³

³⁹³⁷ ILO official, electronic communication to USDOL official, January 31, 2002. Also Julie Misner, USDOL Office of International Organizations, electronic communication to USDOL official, September 3, 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*, Chapter 1, Article 1 and Chapter III, Article 35 [cited November 12, 2002]; available from <http://www.ilo.org/public/english/about/iloconst.htm>.

³⁹³⁸ Access to primary education focuses on children ages 5-11. See UNESCO, *Education for All 2000 Assessment: Country Reports- Anguilla*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, 1997, 7-8 [cited January 2, 2003]; available from <http://www2.unesco.org/wef/countryreports/anguilla/contents.html>.

³⁹³⁹ Ibid.

³⁹⁴⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹⁴¹ UNESCO, *EFA Country Report: Anguilla*.

³⁹⁴² United Nations, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Addendum, Aruba*, CCPR/C/NET/1999/Add.2, January 4, 2002, 8.

³⁹⁴³ Ibid.

Education is not compulsory in Aruba.³⁹⁴⁴ Children generally attend primary school from age 6 to 12.³⁹⁴⁵ There are a total of 32 primary schools in the country.³⁹⁴⁶ According to Article 1.20 of the Constitution of Aruba, education is supposed to be a constant concern of the government and be freely received.³⁹⁴⁷ Statistics on education enrollment and attendance rates for children in Aruba are unavailable. The government has made efforts to improve education quality in Aruba by upgrading primary and secondary education and vocational training.³⁹⁴⁸ In May 2000, the Minister of Education and Employment established a steering committee charged with preparing a survey of the problems of children not attending school.³⁹⁴⁹ In November 2000, a campaign, “Accion Ban Scol (Go To School Campaign),” was launched that involved the registering of non-school going children and the collection of data on such children as the basis for future policy.³⁹⁵⁰ The government finances a majority of the country’s education system, apart from private schools.³⁹⁵¹ In 1994, the Government of Aruba dedicated 16.6 percent of its budget to recurrent educational expenses.³⁹⁵² The government has also agreed to a framework of cooperation with the European Community that sets as priorities the island’s campaign against poverty and the pursuit of sustainable economic and social development.³⁹⁵³

British Virgin Islands (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in the British Virgin Islands are unavailable, but children reportedly work occasionally during the afternoons and on weekends in

³⁹⁴⁴ Ibid., 15. See also United Nations, *Core document forming part of the reports of the States Parties (Aruba): Netherlands*, HRI/CORE/1/Add.68 (Core Document), United Nations International Human Rights Instruments, March 11, 1996.

³⁹⁴⁵ Government of Aruba, *General Information about Aruba: Education*, 2002 [cited September 16, 2002]; available from <http://www.aruba.com/pages/educate.htm>.

³⁹⁴⁶ Ibid.

³⁹⁴⁷ United Nations, *Core document forming part of the reports of the States Parties*.

³⁹⁴⁸ Caribbean Sustainable Development, *Anguilla Country Profile Framework for Action: National Implementation of SIDS-POA*, UN Economic Commission for Latin America and the Caribbean, Caribbean Development and Co-operation Committee, [cited September 23, 2002]; available from <http://www.sdn.unep.org/~eclac/CARMIN/DOCS/aruba.htm>. As noted under the human resource development component of the Small Islands Development States Program of Action (SIDS-POA), “The smallness and vulnerability of small island developing States necessitates special attention to population issues, education and training, and health for effective human resource development.” See Caribbean Sustainable Development, *Anguilla Country Profile Framework for Action*, Chapter XIV “Human Resource Development”.

³⁹⁴⁹ United Nations, *Consideration of Reports Submitted by States Parties Under Article 40, Aruba*, 17.

³⁹⁵⁰ Ibid.

³⁹⁵¹ Aruba’s education system is organized in a fashion similar to that of the Netherlands. See Government of Aruba, *General Information about Aruba: Education*.

³⁹⁵² Ibid. See also United Nations, *Core document forming part of the reports of the States Parties*.

³⁹⁵³ VIIIth European Development Fund, *Framework of Cooperation Overseas: Country of Aruba/European Community*, 1999, 2 [cited September 23, 2002]; available from http://216.239.53.100/search?q=cache:IJcQkudg14C:europa.eu.int/comm/development/oct/docs/tip_aru.pdf+government+of+aruba&hl=en&ie=UTF-8.

family-owned businesses, supermarkets and hotels.³⁹⁵⁴ Under the Education Ordinance, children must attend school until the age of 14.³⁹⁵⁵ The Labor Standards set the minimum age for employment at 14 years.³⁹⁵⁶

Cook Islands (self-governing state in free association with New Zealand)

Statistics on the number of working children under the age of 15 in the Cook Islands are unavailable, but children are reported to assist with domestic chores, help with family agricultural activities, work as performers on a part-time basis in cultural dance groups, and work in shops.³⁹⁵⁷ Under the Education Act of 1986-1987, schooling is compulsory for children between the ages of 5 and 15.³⁹⁵⁸

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.³⁹⁵⁹ Children under the age of 18 may not work in dangerous occupations, unless they have been trained to handle dangerous machinery.³⁹⁶⁰ The Labor and Consumer Affairs Division of the Ministry of Internal Affairs is responsible for monitoring the implementation of child labor laws.³⁹⁶¹

Falkland Islands (territory of the United Kingdom)

Statistics on the number of children working under the age of 14 are unavailable. 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 recent cases involving the commercial sexual exploitation of children.³⁹⁶² Information on the nature of child labor in other sectors is unavailable. Education is free and compulsory up to the end of the academic year when a child reaches 16 years of age.³⁹⁶³ In 2002, the government reported that all children between the ages of 5 and 16 in the Falkland Islands were enrolled in the education system.³⁹⁶⁴ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁶⁵

³⁹⁵⁴ Sheila Brathwaite, Permanent Secretary, Ministry of Natural Resources and Labour of the Government of the British Virgin Islands, letter to USDOL official, September 14, 2000.

³⁹⁵⁵ Ibid.

³⁹⁵⁶ Ibid.

³⁹⁵⁷ Andrew Young, U.S. Embassy- Auckland, electronic communication to USDOL official, October 1, 2001.

³⁹⁵⁸ Ibid.

³⁹⁵⁹ Ibid.

³⁹⁶⁰ Ibid.

³⁹⁶¹ Ibid.

³⁹⁶² 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. Alison A.M. Inglis, Falkland Islands Attorney General's Office Crown Counsel, electronic communication to USDOL official, September 11, 2002.

³⁹⁶³ Ibid.

³⁹⁶⁴ Ibid.

³⁹⁶⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

The Employment of Children Ordinance prohibits the employment of children under the age of 14,³⁹⁶⁶ however children of compulsory schooling age cannot work during school hours, before 7 a.m. or after 7 p.m. on any day, for more than two hours on a school day or on Sundays.³⁹⁶⁷ The Employment of Women, Young Persons and Children Ordinance of 1967 prohibits children under the age of 18 from working in industrial establishments.³⁹⁶⁸ 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.³⁹⁶⁹ The Government is working to improve basic education by investing in an extension of its Infant and Junior school.³⁹⁷⁰

Gibraltar (territory of the United Kingdom)

According to the Government of Gibraltar, there were no reports of child prostitution in Gibraltar in the period from 1998-2001.³⁹⁷¹ Other statistics on the number of working children under the age of 15 in Gibraltar are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is free and compulsory between the ages of 4 and 15.³⁹⁷² Slavery, servitude and forced labor are prohibited under the Gibraltar Constitution Order of 1969.³⁹⁷³

Montserrat (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Montserrat are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is compulsory for children between the ages of 5 and 14, and free up to the age of 17.³⁹⁷⁴ The Government of Montserrat developed an *Education in the Country Policy Plan for 1998-2002* in conjunction with the United Kingdom. Under this plan, the government is supporting initiatives in the areas of curriculum development, student assessment and evaluation, professional development for teachers, post-secondary education expansion, and educational infrastructure and information technology.³⁹⁷⁵

³⁹⁶⁶ Inglis, electronic communication, September 11, 2002.

³⁹⁶⁷ Ibid.

³⁹⁶⁸ Rosalind Cheek, Falkland Islands Crown Counsel, electronic communication to USDOL official, December 21, 2000.

³⁹⁶⁹ Ibid.

³⁹⁷⁰ Inglis, electronic communication, September 11, 2002.

³⁹⁷¹ Royal Gibraltar Police, *Royal Gibraltar Police Annual Report 2000-2001*, [cited September 4, 2002]; available from http://www.gibraltar.gov.gi/judiciary/police_report/contents.htm.

³⁹⁷² Government of Gibraltar, *Education and Training*, [cited January 7, 2002], 2-3; available from http://www.gibraltar.gov.gi/gov_depts/education_index.htm.

³⁹⁷³ *The Gibraltar Constitutional Order of 1969*, (May 23, 1969), 9 [cited September 4, 2002]; available from <http://www.gibraltar.gov.gi/>.

³⁹⁷⁴ Alex Ackie, Governor's Office Clerical Officer, Government of Montserrat, electronic communication to USDOL official, January 23, 2001.

³⁹⁷⁵ See UNESCO, *Education for All 2000 Assessment: Country Reports- Montserrat*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1997, [cited January 2, 2003]; available from <http://www2.unesco.org/wef/countryreports/montserrat/contents.html>.

Netherlands Antilles (territory of the Netherlands)

Statistics on the number of working children under the age of 15 in the Netherlands Antilles are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is compulsory between the ages of 6 and 15.³⁹⁷⁶ In 1998, the gross primary enrollment rate was 111.4 percent.³⁹⁷⁷ The net primary enrollment rate is unavailable. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁷⁸ The Government of Netherlands Antilles has collaborated with UNESCO to develop an Education for All plan that aims to improve learning achievement and achieve universal access to and completion of primary education.³⁹⁷⁹

Niue (self-governing state in free association with New Zealand)

Statistics on the number of working children under the age of 15 in Niue are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is compulsory for 8 years.³⁹⁸⁰ Niue has one primary school, and in 1995, the gross and net primary enrollment rates were both 100 percent.³⁹⁸¹ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁸² The Government of Niue has collaborated with UNESCO to develop an Education for All plan to improve learning achievements and provide better educational opportunities for children with special needs.³⁹⁸³

Pitcairn Islands (territory of the United Kingdom)

In 2002, the Government of Pitcairn Islands reported that there were no working children in the territory.³⁹⁸⁴ Children under the age of 15 are prohibited from engaging in paid government work.³⁹⁸⁵ Education is free and compulsory between the ages of 5 and 15.³⁹⁸⁶ The net primary

³⁹⁷⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Netherlands Antilles*, prepared by Department of Education and Culture, pursuant to UN General Assembly Resolution 52/84, 1997, [cited January 2, 2003]; available from http://www2.unesco.org/wef/countryreports/netherlands_antilles/contents.html.

³⁹⁷⁷ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

³⁹⁷⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹⁷⁹ UNESCO, *EFA Country Report: Netherlands Antilles*.

³⁹⁸⁰ UNESCO Institute for Statistics, *National Education Systems*, [cited April 5, 2002]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.htm.

³⁹⁸¹ UNESCO, *Education for All 2000 Assessment: Country Reports- Niue*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, 1997, [cited January 2, 2002]; available from <http://www2.unesco.org/wef/countryreports/niue/contents.html>.

³⁹⁸² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹⁸³ UNESCO, *EFA Country Report: Niue*.

³⁹⁸⁴ Leon Salt, Commissioner, Pitcairn Islands, electronic communication to USDOL official, August 25, 2002.

³⁹⁸⁵ Leon Salt, Commissioner, Pitcairn Islands, electronic communication to USDOL official, November 7, 2000.

³⁹⁸⁶ Ibid.

school enrollment rate in 2002 was 100 percent.³⁹⁸⁷ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁸⁸ Under Section 23, Part V of 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 12.86).³⁹⁸⁹

St. Helena (territory of the United Kingdom)

In 2000, the Government of St. Helena reported that there were no working children in the territory.³⁹⁹⁰ The minimum age for employment is 15 years.³⁹⁹¹ Education is free and compulsory between the ages of 5 and 15.³⁹⁹²

Tokelau

Statistics on the number of working children under the age of 15 in Tokelau are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is compulsory for 12 years.³⁹⁹³

Turks and Caicos Islands (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in the Turks and Caicos Islands are unavailable. Information is also unavailable on the incidence and nature of child labor. Nine years of basic education is provided by the government to children between the ages of 6 and 14.³⁹⁹⁴ In 1999, the gross primary enrollment rate was 113.1 percent, and the net primary enrollment rate was 112.7 percent.³⁹⁹⁵ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁹⁶

³⁹⁸⁷ Ibid.

³⁹⁸⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹⁸⁹ Salt, electronic communication, August 25, 2002. For currency conversion see FX Converter, [online] [cited December 19, 2002]; available from <http://carosta.de/frames/convert.htm>.

³⁹⁹⁰ Gillian Francis, Government of St. Helena Assistant Secretary, electronic communication to USDOL official, November 24, 2000.

³⁹⁹¹ Ibid.

³⁹⁹² Ibid.

³⁹⁹³ UNESCO Institute for Statistics, *National Education Systems*.

³⁹⁹⁴ See UNESCO, *Education for All 2000 Assessment: Country Reports- Turks and Caicos Islands*, prepared by Ministry of Education, Youth, and Sports, pursuant to UN General Assembly Resolution 52/84, 1997, [cited January 2, 2002]; available from http://www2.unesco.org/wef/countryreports/turks_caicos/contents.html.

³⁹⁹⁵ Ibid.

³⁹⁹⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

West Bank and Gaza Strip

The West Bank and Gaza Strip is an associated member of ILO-IPEC. In 2002, the Palestinian Central Bureau of Statistics estimated that less than 1 percent of children ages 10 to 14 are working in the Palestinian territories.³⁹⁹⁷ Children work in agriculture, in family shops and as street vendors. Some children also work in small manufacturing enterprises, such as shoe and textile factories.³⁹⁹⁸ There are also reports that children and adolescents have been enrolled in military-style camps and have participated in Palestinian armed groups.³⁹⁹⁹

Education is compulsory through grade nine.⁴⁰⁰⁰ The gross enrollment rate in basic education was 96.8 percent in 1999-2000⁴⁰⁰¹ and the net enrollment rate in 1998-1999 was 90.9 percent.⁴⁰⁰² 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.⁴⁰⁰³ Closures limited children's and teachers' access to schooling in 2001 and student learning was reported to be negatively affected by the violent security situation.⁴⁰⁰⁴ The violence resulted in the cancellation of classes in areas under curfew,⁴⁰⁰⁵ delays in school construction and sharp declines in teaching time due to problems with teacher attendance.⁴⁰⁰⁶ There are some reports that poverty and the isolation of school closures have made some families reluctant to keep girls in school.

The minimum age for work is 15 years, but there are restrictions on the employment of children between the ages of 15 and 18, including prohibitions against night work, work under conditions of hard labor and/or jobs that require them to travel outside their domicile.⁴⁰⁰⁷ The Palestinian

³⁹⁹⁷ Palestinian Central Bureau of Statistics, *Main Findings According to the Relaxed Definition of Unemployment*, [cited August 27, 2002]; available from http://www.pcbs.org/english/press_25.htm.

³⁹⁹⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Israel and the Occupied Territories*, Washington, D.C., March 4, 2002, 2131-33, Section 6d [cited December 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8262.htm>.

³⁹⁹⁹ Coalition to Stop the Use of Child Soldiers, "'West Bank and Gaza Strip,'" in *Global Report 2001*, [cited September 20, 2002]; available from <http://library.amnesty.it/cs.childsoldiers.nsf/>.

⁴⁰⁰⁰ U.S. Department of State, *Country Reports- 2001: Israel and the Occupied Territories*, 2129-31, Section 5.

⁴⁰⁰¹ Palestinian Central Bureau of Statistics, *Gross Enrollment Rate in the Basic State by Region for Scholastic Years 1995/1996-1999/2000*, 2000, [cited September 20, 2002]; available from http://www.pcbs.org/english/child/tables/educ_01.htm.

⁴⁰⁰² Palestinian Central Bureau of Statistics, *Net Enrollment by Grade 1994/1995-1998/1999*, 1999, [cited September 20, 2002]; available from <http://www.pcbs.org/english/educatio/educ5.htm>.

⁴⁰⁰³ U.S. Department of State, *Country Reports- 2001: Israel and the Occupied Territories*, 2129-31, Section 5.

⁴⁰⁰⁴ Ibid.

⁴⁰⁰⁵ Ibid.

⁴⁰⁰⁶ This report was based on a study conducted between April and June 2001. The study is based on information through focus groups in four areas of the Palestinian Territories: Tulkaram, Hebron, South Hebron and Khan Younis. Save the Children UK and Save the Children Sweden, *Education Under Occupation: Palestinian Children Talk About Life and School*, March 2002, 14.

⁴⁰⁰⁷ U.S. Department of State, *Country Reports- 2001: Israel and the Occupied Territories*, 2131-33, Section 6d.

Authority is responsible for enforcing the area's labor laws; however, with only 40 labor inspectors for an estimated 65,000 enterprises, the Authority has limited capacity to enforce labor laws.⁴⁰⁰⁸

The Palestinian Authority has indicated an interest in collaborating with ILO-IPEC to improve child labor law enforcement, and to conduct a child labor survey to determine the extent and nature of child labor in the West Bank and Gaza Strip with technical assistance from ILO-IPEC's SIMPOC. UNICEF is working on a campaign to provide 35,000 students in the West Bank with materials in case of school closures and to train educators to teach via television, if necessary.⁴⁰⁰⁹ UNICEF also collaborated with the Palestinian Ministries of Youth and Education to organize summer camps for an estimated 33,000 children in 2002.⁴⁰¹⁰

Western Sahara

Statistics on the number of working children under the age of 15 in Western Sahara are unavailable, but reports indicate that the few remaining nomadic children work as shepherds.⁴⁰¹¹ Residents of Western Sahara are subject to Moroccan labor laws that set the minimum age for employment at 15 years, and prohibit children under the age of 18 from working in hazardous occupations or at night.⁴⁰¹² Forced labor is prohibited under Moroccan law.⁴⁰¹³ Education is compulsory for 8 years.⁴⁰¹⁴ Information regarding government policies and programs to eliminate the worst forms of child labor in Western Sahara is unavailable.

Other Territories and Non-Independent Countries

Information on the incidence and nature of child labor, child labor laws and legislation, and government policies and programs to eliminate the worst forms of child labor is unavailable for the following territories and non-independent countries: British Indian Ocean Territory (territory of the United Kingdom), Christmas Islands (territory of Australia), Cocos (Keeling) Islands (territory of Australia), Heard Island and MacDonal Islands (territory of Australia), Norfolk Island (territory of Australia), and Wallis and Futuna (territory of France).

⁴⁰⁰⁸ Ibid.

⁴⁰⁰⁹ UNWire, *Middle East: UNICEF Focuses on Education for Palestinian Children*, United Nations Foundation, [online] May 28, 2002 [cited August 27, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=26658.

⁴⁰¹⁰ UNWire, *Palestinians: UNICEF Launches Summer Camps for Children*, United Nations Foundation, [online] July 8, 2002 [cited August 27, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=27461.

⁴⁰¹¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Western Sahara*, Washington, D.C., March 4, 2002, [cited December 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8281.htm>.

⁴⁰¹² Ibid. See also Lawrence Connell, U.S. Embassy- Casablanca, electronic communication to USDOL official, January 29, 2002.

⁴⁰¹³ U.S. Department of State, *Country Reports- 2001: Western Sahara*.

⁴⁰¹⁴ UNESCO Institute for Statistics, *National Education Systems*.

Appendix A: Table of Ratifications

Country List	C. 182	C. 138	CRC	CRCOPAC	CRCPSC
Albania	✓	✓	✓		
Angola	✓	✓	✓		
Antigua and Barbuda	✓	✓	✓		✓
Argentina	✓	✓	✓	✓	
Armenia			✓		
Bahamas	✓	✓	✓		
Bahrain	✓		✓		
Bangladesh	✓		✓	✓	✓
Barbados	✓	✓	✓		
Belize	✓	✓	✓		
Benin	✓	✓	✓		
Bhutan			✓		
Bolivia		✓	✓		
Bosnia and Herzegovina	✓	✓	✓		✓
Botswana	✓	✓	✓		
Brazil	✓	✓	✓		
Bulgaria	✓	✓	✓	✓	✓
Burkina Faso	✓	✓	✓		
Burundi	✓	✓	✓		
Cambodia		✓	✓		✓
Cameroon	✓	✓	✓		
Cape Verde	✓		✓	✓	✓
Central African Republic	✓	✓	✓		
Chad	✓		✓		
Chile	✓	✓	✓		✓
Colombia		✓	✓		
Comoros			✓		
Congo, Republic of	✓	✓	✓		
Costa Rica	✓	✓	✓	✓	✓
Cote d'Ivoire	✓		✓		
Croatia	✓	✓	✓		✓
Czech Republic	✓		✓	✓	

Country List	C. 182	C. 138	CRC	CRC	CRCPSC
Democ. Republic of Congo	✓	✓	✓	✓	✓
Djibouti			✓		
Dominica	✓	✓	✓	✓	✓
Dominican Republic	✓	✓	✓		
Ecuador	✓	✓	✓		
Egypt	✓	✓	✓		✓
El Salvador	✓	✓	✓	✓	
Equatorial Guinea	✓	✓	✓		✓
Eritrea		✓	✓		
Estonia	✓		✓		
Ethiopia		✓	✓		
Fiji	✓	✓	✓		
Gabon	✓		✓		
The Gambia	✓	✓	✓		
Georgia	✓	✓	✓		
Ghana	✓		✓		
Grenada			✓		
Guatemala	✓	✓	✓	✓	✓
Guinea			✓		
Guinea-Bissau			✓		
Guyana	✓	✓	✓		
Haiti			✓		
Honduras	✓	✓	✓	✓	✓
Hungary	✓	✓	✓		
India			✓		
Indonesia		✓	✓		
Jamaica			✓	✓	
Jordan	✓	✓	✓		
Kazakhstan	✓	✓	✓		✓
Kenya	✓	✓	✓	✓	
Kiribati			✓		
Kyrgyzstan		✓	✓		
Latvia			✓		
Lebanon	✓		✓		

Country List	C. 182	C. 138	CRC	CRC	CRCPSC
Lesotho	✓	✓	✓		
Lithuania		✓	✓		
Macedonia	✓	✓	✓		
Madagascar	✓	✓	✓		
Malawi	✓	✓	✓		
Mali	✓	✓	✓	✓	✓
Mauritania	✓	✓	✓		
Mauritius	✓	✓	✓		
Moldova	✓	✓			
Mongolia	✓		✓		
Morocco	✓	✓	✓	✓	✓
Mozambique			✓		
Namibia	✓	✓	✓	✓	✓
Nepal	✓	✓	✓		
Nicaragua	✓	✓	✓		
Niger	✓	✓	✓		
Nigeria	✓	✓	✓		
Oman	✓		✓		
Pakistan	✓		✓		
Panama	✓	✓	✓	✓	✓
Papua New Guinea	✓	✓	✓		
Paraguay	✓		✓	✓	
Peru	✓	✓	✓	✓	✓
Philippines	✓	✓	✓		
Poland	✓	✓	✓		
Romania	✓	✓	✓	✓	✓
Russia		✓	✓		
Rwanda	✓	✓	✓	✓	✓
St. Kitts and Nevis	✓		✓		
Saint Lucia	✓		✓		
Saint Vincent & Grenadines	✓		✓		
Samoa			✓		
Sao Tome & Principe			✓		
Senegal	✓	✓	✓		

Country List	C. 182	C. 138	CRC	CRC	CRCPSC
Seychelles	✓	✓	✓		
Sierra Leone			✓	✓	✓
Slovak Republic	✓	✓	✓		
Solomon Islands			✓		
Somalia					
South Africa		✓	✓		
Sri Lanka	✓	✓	✓	✓	✓
Suriname			✓		
Swaziland	✓	✓	✓		
Tanzania	✓	✓	✓		
Thailand	✓		✓		
Togo	✓	✓	✓		
Tonga			✓		
Trinidad & Tobago			✓		
Tunisia	✓	✓	✓	✓	✓
Turkey	✓	✓	✓		✓
Tuvalu			✓		
Uganda	✓		✓	✓	✓
Uruguay	✓	✓	✓		
Uzbekistan			✓		
Vanuatu			✓		
Venezuela		✓	✓		✓
Republic of Yemen	✓	✓	✓		
Zambia	✓	✓	✓		
Zimbabwe	✓	✓	✓		

Sources: List of ratifications of ILO Conventions [cited February 2003]; available at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>

List of ratifications of optional protocol on children in armed conflict [cited February 2003]; available at <http://www.unhchr.ch/html/menu2/6/crc/treaties/status-opac.htm>

List of ratifications of optional protocol on sale of children [cited February 2003]; available at <http://www.unhchr.ch/html/menu2/6/crc/treaties/status-opsc.htm>.

CRCOPAC = Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

CRCPSC = Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The following territories, while included in this report, are not members of either the ILO or the UN and thus are not party to the Conventions listed above: Anguilla; Aruba; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Christmas Island; Cocos (Keeling) Islands; Cook Islands; Falkland Islands; Gibraltar; Heard Island/McDonald Islands; Montserrat; Netherlands Antilles; Niue; Norfolk Island; Pitcairn Islands; Saint Helena; Tokelau; Turks and Caicos Islands; Wallis and Futuna; West Bank and Gaza Strip; and Western Sahara.

U.S. Department of Labor

Bureau of International Labor Affairs
International Child Labor Program
Room S5307
Washington, DC 20210
www.dol.gov/ilab/programs/iclp

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